

13 NOVEMBER 1946

I N D E X
of
WITNESSES
(none)

I N D E X
of
EXHIBITS

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1632W(80)	1151		Extract from KIDO's Diary dated 16 October 1941		10281
1468A	1152		KONOYE's Letter of Resigna- tion		10284
2501	1153		Parent document of TOJO interrogation of 11 Feb- ruary 1946	10289	
2501A	1153-A		Extract therefrom		10289
1632W(81)	1154		Entry from KIDO's Diary dated 17 October 1941		10291
1632W(110)	1155		Entry from KIDO's Diary dated 18 October 1941		10293
1632W(82)	1156		Re the Appointment of TOJO as Premier		10294
4160	1157		Parent document of TOJO's interrogation of 28 Janu- ary 1946	10301	
4160A	1157-A		Extract therefrom		10301

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(cont.)

<u>Doc. No.</u>	<u>Pres. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
4160B	1157-B		Extracts from the TOJO interrogation (p. 3) dated 28 January 1946		10304
4160C	1157-C		Extracts from the TOJO interrogation (pp. 4 and 5) dated 28 January 1946		10305
2510	1158		Parent document of TOJO's interrogation dated 12 March 1946	10308	
2510-A	1158-A		Extracts from TOJO's inter- rogation (pp. 1, 4, 6, 8, 9 and 10) dated 12 March 1946		10308
15-E	1159		Telegram dated 16 October 1941 from Foreign Minis- ter TOYODA to NOMURA in Washington		10309
2745	1160		Certificates of the Japanese Foreign Office re items found therein re Japanese- American Negotiations of 1941 (not read)		10311
1532D(1)	1161		Telegram dated 22 October 1941 from NOMURA to the New Foreign Minister TOGO		10312
1632W(112)	1162		Entry from KIDO's Diary dated 29 October 1941		10314
1532D(2)	1163		Telegram from TOGO to NOMURA dated 2 November 1941		10315

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(cont.)

<u>Doc. No.</u>	<u>Pres. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2593D(7)	1164		Telegram of 4 November 1941 from Tokyo to Washington (3 parts)		10318
2593D(8)	1165		Telegram dated 4 November 1941 from Tokyo to NOMURA		10323
1532D(3)	1166		Telegram dated 4 November 1941 from Foreign Minister TOGO to NOMURA re KURUSU being sent to the United States		10328
1449D	1167		Policy for Guiding Public Opinion on British and American Problems Agreed by the Cabinet Meeting on 4 November 1940 - Board of Information		10330
1632W(83)	1168		Extract from entry of Marquis KIDO's Diary 5 November 1941		10331
790A	1169		Measures Towards Foreign Countries in Relation to the "Principle of Execution of National Policy of the Empire" which was decided at the Meeting in Presence of the Emperor on 5 November		10333
2593D(9)	1170		Telegram from Tokyo to NOMURA dated 5 November 1941		10343

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<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2593D(10)	1171		Telegram from Tokyo to NOMURA dated 5 November 1941		10345
4058A	1172		Telegram from the German Foreign Office to Washington and Rome dated 8 November 1941		10351
2537A	1173		Extract from "The Tokyo Nichi- Nichi" dated 12 November 1941 commenting on Winston Churchill's Speech		10352
2593D(11)	1174		Telegram from Tokyo to Washington dated 11 November 1941		10354
990	1175		Principal Reasons Alleged for the Commencement of Hostilities Against the U. S. A. and Britain		10362
1443	1176		General Outline for Hastening the Conclusion of War Against the U. S. A., Great Britain, Nether- lands and the Chunking Regime, dated 12 November 1941		10373
2593D(13)	1177		Telegram from NOMURA to Tokyo dated 14 November 1941		10376
2593D(14)	1178		Telegram of 16 November 1941 from TOGO to Washington		10380
1532D(5)	1179		Telegram from KURUSU to Foreign Minister TOGO dated 18 November 1941		10383
1532D(6)	1180		Telegram from TOGO to NOMURA dated 20 November 1941		10387

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<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1632W(84)	1181		Extract from Entry of Marquis KIDO's Diary dated 19 November 1941		10389
1072B	1182		Excerpts from the records of the Investigation Committee of the Privy Council re Prolongation of Anti-Comintern Pact (pp.1-7 inclusive; pp.11, 14, 15)		10391
2593D(16)	1183		Telegram from TOGO informing NOMURA and KURUSU of an extension of the negotiations deadline from 25 November to 29 November, 1941		10399
1532D(7)	1184		Telegram from NOMURA to TOGO re interview which he and KURUSU had with Mr. Ballantine and the Secretary of State on 23 November 1941		10401
1532D(8)	1185		Telegram to NOMURA from Foreign Minister TOGO dated 24 November 1941		10407
1532D(9)	1186		Telegram from TOGO to NOMURA dated 24 November 1941		10410
15-J	1187		Telegram from the Japanese Ambassador at Hanoi dated 25 November 1941 to Tokyo		10411
2593D(41)	1188		Report from the Japanese Ambassador at Bangkok to Tokyo dated 25 November 1941		10414

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(cont'd)

<u>Doc. No.</u>	<u>Pros. No.</u>	<u>Def. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2593D(19)	1189		Telegram from NOMURA and KURUSU to Tokyo dated 26 November 1941		10418
1632W(85)	1190		Extract from an Entry in Marquis KIDO's Diary dated 26 November 1941		10429
15-G	1191		Extract of telephone conversation of 27 November 1941 between KURUSU and YAMAMOTO of the Foreign Office		10430
2539A	1192		Extract from "The Tokyo Nichi-Nichi" of 29 November 1941 re Cabinet Recognizes Press New System - "Journalistic Plan Proposed by Newspaper Leaders Given Approval"		10438

1
2 Wednesday, 13 November, 1946

3 - - -

4
5 INTERNATIONAL MILITARY TRIBUNAL
6 FOR THE FAR EAST
7 Court House of the Tribunal
8 War Ministry Building
9 Tokyo, Japan

10 The Tribunal met, pursuant to adjournment,
11 at 0930.

12 - - -

13 Appearances:

14 For the Tribunal, same as before with the
15 exception that the HONORABLE JU-KO-MEI, Member from
16 the Republic of China is now sitting and the HONORABLE
17 R. B. PAL, Member from India, not sitting.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.
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21 - - -

22 (English to Japanese and Japanese
23 to English interpretation was made by the
24 Language Section, INTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except OKAWA and HIRANUMA, who are represented by
5 their respective counsel. We have a certificate from
6 the prison surgeon at Sugamo certifying that the accused
7 HIRANUMA is too ill to attend today. The certificate
8 will be recorded and filed.

9 MR. FINELLY: We had reached in the chrono-
10 logical order of events yesterday, the date October 16,
11 1941.

12 We next offer in evidence a further extract
13 from the KIDO Diary of October 16, 1941, International
14 Prosecution document 1632-W-80, which relates to
15 the resignation of the third KONOYE Cabinet.
16

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 1632-W-80 will receive exhibit No. 1151.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 1151, and was received in evidence.)

23 MR. FINELLY: I now read from prosecution
24 exhibit No. 1151:
25

1 "Extract from Entry from Marquis KIDO's
2 Diary, 16 Oct 41.

3 "At 8:30 a.m. President SUZUKI visited me,
4 and we discussed the Prince's Cabinet. The reasons I
5 gave him for opposing the Prince's Cabinet are as
6 follows:

7 "1. The formation of a Prince's Cabinet
8 should be carried out only when unavoidable, for ex-
9 ample, when, even if the Army and Navy agree, force
10 of circumstance makes it necessary to have a Prince
11 of the blood solve their difficulties.

12 "2. The difficulties which were discussed
13 last night have not been solved, and the Prince should
14 not be expected to overcome them.

15 "3. In a way the formation of this Prince's
16 Cabinet would indicate that we lacked a suitable per-
17 son among our subjects, and a great problem would be
18 created if war with the U.S... were to break out when
19 such a Cabinet existed. There were important reasons
20 why even Prince KONOYE was prevented from carrying out
21 the policies decided at Councils in the Imperial pres-
22 ence, and if we ask a member of the Imperial House to
23 assume a responsibility he cannot fulfil, it would
24 cause the Imperial House to become an object of public
25 hatred."

1 "At 3:00 p.m. War Minister TOJO called on
2 me to report on the pressing political situation. I
3 opposed his idea of the Prince's Cabinet for the same
4 reasons which I had made clear to SUZUKI. I urged the
5 revision of the resolution of the Council in the Im-
6 perial presence, and a unified policy for the Army and
7 the Navy, two fundamental factors without which no
8 national progress could be expected.

9 "At 4:00 p.m. Prince KONOYE telephoned to
10 say that the Cabinet was going to resign 'en bloc'. I
11 was astonished by the suddenness of this announcement.
12 I visited the Emperor at 4 p.m. to report upon the
13 general resignation of the KONOYE Cabinet. At 5 p.m.
14 Prince KONOYE tendered the Cabinet Ministers' resigna-
15 tions to the Throne. I was received in audience by
16 the Emperor from 5:30 p.m. to 5:45 p.m. to answer his
17 questions regarding the succeeding Cabinet."
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1 And as a part--

2 THE PRESIDENT: It seems in the penultimate
3 paragraph you should have inserted: "I pointed out
4 that the decisions made at the Imperial Conference on
5 September 6 were rather careless, and I urged. . ."

6 MR. FIHELLY: There is inserted at the bottom
7 in ink, there is a line which should have gone in the
8 fifth paragraph, as your Honor was just reading:

9 "I pointed out that the decisions made at
10 the Imperial Conference on September 6 were rather
11 careless, and I urged the revision of the resolution. . ."
12 as I read it.

13 We now offer in evidence International Prosecution
14 document 1468-A, which is KONOYE's letter of
15 resignation.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 1468-A will receive exhibit No. 1152.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 1152, and was received in evidence.)

22 MR. FIHELLY: I now read prosecution exhibit
23 No. 1152.

24 "LETTER OF RESIGNATION AS PRIME MINISTER
25 BY PRINCE FUMIMARO KONOYE TO H. M. THE
EMPEROR

1 "By His Majesty's Humble Servant, Fumimaro

2 "When I, Your Majesty's humble servant un-
3 expectedly received an Imperial Command to organize
4 a Cabinet for a third time, it was my firm conviction
5 that, in order that we can manage the present politi-
6 cal situation so as to enable future national expan-
7 sion, we must find a speedy solution for the China
8 Incident by adjusting relations with the United States
9 on friendly terms. Therefore, I have expressed my
10 wishes to the United States Government soliciting an
11 opportunity for friendly parleys.

12 "Recently, however, Army Minister TOJO, who
13 judged that such negotiations could not possibly be
14 materialized before the desired time (about the middle
15 or latter part of October), and who believed the sit-
16 uation had come to a point 'When no other means can
17 be found to carry through our demands ...' found in
18 the 3rd article of 'An Outline of How to Execute the
19 National Policies of Our Empire,' which met Imperial
20 sanction following the conference in the presence of
21 His Majesty held on the 6th of September, this year,
22 has come to the conclusion that the time has arrived
23 to open war against the United States.

24 "When I consider the matter carefully, how-
25 ever, I still believe that provided we have ample

1 time, not only is it erroneous to think that all nego-
2 tiations with the United States are hopeless but that
3 even the most difficult question involved, the ques-
4 tion of withdrawing our troops, can be settled if we
5 take the attitude of yielding to her in appearance
6 by keeping for us the substance and casting away the
7 name. It is utterly impossible for Your Majesty's
8 humble servant Fumimaro, who is feeling much respon-
9 sibility ever since the outbreak of the China Inci-
10 dent, to endure plunging the nation again into a
11 titanic war the outcome of which cannot be forecast
12 when even the China Incident has not yet been settled.
13

14 "For these reasons Fumimaro believes that
15 now is the time for the Government and the military
16 to cooperate in unity towards materializing our ne-
17 gotiations with the United States by exerting our
18 very utmost, thus to bring about settlement with
19 China, which is now urgent necessity from the stand-
20 point of recovering national strength as well as
21 stabilizing popular morale. And if we have any de-
22 sire for advancing our national fortunes now is the
23 very time for us to step back a bit to prepare for
24 a forward leap, and to make the people struggle for-
25 ward more bravely for the sovereign and the state
enduring hardship and privation. "

1 "I, Your Majesty's humble servant, have
2 done my best to prevail upon Army Minister TOJO by
3 laying open to him my inmost feelings. However, the
4 Army Minister persistently claimed that though he
5 perfectly understood the toil and feelings of the
6 Prime Minister, it was impossible to consent to the
7 withdrawal of troops from the standpoint of main-
8 taining their morale, and moreover, that once the
9 United States was yielded to, she would apply still
10 more overbearing measures and might even forget
11 where to stop; and that even if the China Affair was
12 settled, it was possible that a rupture might occur
13 again in two or three years; and that as internal
14 weaknesses were existant both in the United States
15 and Japan we should not lose this opportunity for a
16 war with her.

17 "I, Fumimaro, conferred with him on four
18 separate occasions but have failed to make him agree
19 with me, and am now unable to carry on the grave
20 responsibilities of assisting the Throne according
21 to my own convictions, due solely to my want of
22 abilities, for which I humbly beg Your Majesty's
23 pardon.

24 "I, Your Majesty's humble servant, beseech
25 Your Majesty to release me from this important post."

"October 16, 16th year of Showa
(1941)

"Prime Minister of Cabinet,
Prince Fumimaro KONOYE."

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1 We next offer in evidence International
2 Prosecution document 2501-A, which is an extract
3 from the TOJO interrogation of February 11, 1946,
4 pages 2 to 5, and ask that the parent document be
5 marked for identification.

6 CLERK OF THE COURT: Prosecution's document
7 No. 2501 will receive exhibit No. 1153 for identifi-
8 cation only.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1153 for identification.)

12 THE PRESIDENT: The excerpt is admitted on
13 the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 2501-A, an excerpt from the foregoing, will be
16 given exhibit No. 1153-A.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 1153-A, and was received in evidence.)

20 MR. FIMELLY: I now read from prosecution
21 exhibit 1153-A, from pages 4 and 5 of the interrogation
22 found on pages 1 and 2 of the exhibit referring to
23 the general date October 17, 1941.

24 "Q Did you feel, at the time the KONOYE
25 Cabinet fell on or about 17 October 1941, that war

1 should be declared against the United States and the
2 other three nations?

3 "A At that time I felt, as War Minister,
4 that the opportune time for fighting was in danger of
5 being lost and the Imperial Conference had set the
6 middle ten days of October as the limit for waiting
7 for a favorable diplomatic break."

8 Page 5 of the interrogation extract:

9 "Q Was it not because of the fact that
10 you, as War Minister, favored war with the United
11 States that the KONOYE Cabinet fell on or about
12 17 October 1941?

13 "A Theoretically, yes. KONOYE thought
14 that a diplomatic solution was still possible if Japan
15 would withdraw troops from China, but the Army felt
16 that there would be no guarantee that the unlawful
17 acts of the Chinese, which had caused the Incident,
18 would not be resumed if the troops were withdrawn
19 before their purpose had been achieved, and the Army
20 could not bear to so withdraw the troops."

21 Following the resignation of the third
22 KONOYE Cabinet, a Senior Statesmen's Conference was
23 convened by KIDO and at this conference the defendant
24 KIDO proposed the name of the defendant TOJO as the
25 new Premier. KIDO's account of this is set forth in

1 his diary entry of October 17, 1941, which we now
2 offer in evidence, International Prosecution document
3 No. 1632-W-81.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 1632-W-81 will receive exhibit No. 1154.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1154, and was received in evidence.)

10 MR. FIELLY: I now read from prosecution
11 exhibit 1154, the KIDO Diary extract of October 17,
12 1941.

13 "At 11 a.m. Chief Secretary MATSUDAIRA
14 visited me to make arrangements for a senior state-
15 men's conference. It was held from 1:10 p.m. to
16 3:45 p.m. in the west ante-chamber of the Palace.
17 Those present were Viscount KIYOCURA (92 years old),
18 Mr. WAKATSUKI, Admiral OKADA, General HAYASHI, Mr.
19 HIROTA, General ABE, Admiral YONAI, all ex-Premiers
20 and President of the Privy Council HARA. I explained
21 the situation of the general resignation. Mr.
22 WAKATSUKI recommended General UGAKI as the succeed-
23 ing Premier, and General HAYASHI discussed the
24 HIGASHIKUNI Cabinet.

25 "I asserted that the most important things

1 were the revision of the decision of the last Council
2 in the Imperial presence and the unity of opinion
3 between the Army and Navy. I suggested a TOJO
4 Cabinet as a solution of these problems, with
5 TOJO as Premier and War Minister, even though he
6 is on military service. I met no objection to my
7 proposal, Mr. HIROTA, General ABE, and Mr. HARA,
8 giving me positive approval. The meeting broke
9 up at 4 p.m. I reported to the Emperor the details
10 of the progress of the ex-Premiers Conference and
11 talked with him until 4:15 p.m. The War Minister
12 proceeded to the Palace at the request of the
13 Emperor to receive the Imperial Order for the formation
14 of a new Cabinet. This was followed by the visit of
15 Navy Minister OIKAWA to whom the Emperor gave advice
16 to the effect that the unity of opinions between
17 the Army and the Navy were very desirable. I passed
18 on to them in an ante-room the following message
19 as ordered by the Emperor. In deciding the fundamental
20 policy of our country we need not necessarily follow
21 the decisions of the Council in the Imperial presence
22 on the 6th of September, but should study carefully
23 conditions both at home and abroad."
24
25

1 We next offer in evidence an entry from the
2 KIDO Diary of October 18, 1941, International Prosecu-
3 tion document 1632-W-110, which relates to the defen-
4 dant TOJO remaining in active military service when
5 he was Premier and also being a full general.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 1632-W-110 will receive exhibit No. 1155.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 1155, and was received in evidence.)

12 MR. FIDELLY: I now read the entry of
13 October 18, prosecution exhibit 1155:

14 "I proceeded to the Palace at 9 a.m. and was
15 received in audience by the Emperor at 9:15 to pre-
16 sent a memorial to the throne from Prince KANIN, to
17 which the Emperor gave his sanction. The memorial
18 was concerned with War Minister TOJO's remaining on
19 active service and with his promotion to full general.

20 "Went to --"

21 I agree there is nothing important in the
22 rest of it, unless someone else wants me to read it.

23 There is one statement: "War Minister TOJO
24 was received in audience at 3 and presented the list
25 of his cabinet members."

1
2 We now come to an extract from the KIDO
3 Diary of October 20, 1941, relating to the appointment
4 of TOJO as Premier and the part that the defendant
5 KIDO played in it. This is International Prosecution
6 document No. 1632-W-82, which we now offer in evidence.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 1632-W-82 will receive exhibit No. 1156.

10 (Whereupon, the document above
11 referred to was marked prosecution's exhibit
12 No. 1156, and was received in evidence.)
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1 MR. FIHELLY: We put this entry in evidence
2 in fairness to the defendant KIDO, but it will be for
3 the Tribunal to form its own opinion as to KIDO's real
4 motives in sponsoring TOJO for the premiership. I now
5 read from prosecution exhibit No. 1156, KIDO's entry
6 of October 20, 1941:

7 "I received gracious words from His Majesty
8 on account of my efforts in connection with the cabinet
9 change. I was truly moved.

10 "I told His Majesty that one mistaken step
11 taken in the present cabinet change might have inad-
12 vertently plunged us into war. After careful consider-
13 ation I believe this to be the only way of giving a new
14 turn to the situation and had thus recommended it. His
15 Majesty understood me well replying 'As it is said you
16 know, -- 'He who will not go into the tiger's den will
17 not get the tiger cub.'

18 "I was impressed."

19 MR. LOGAN: If the Tribunal please.

20 THE PRESIDENT: Mr. Logan.

21 MR. LOGAN: We seriously object to prosecu-
22 tion making statements that he intends to show Marquis
23 KIDO's real motive. In the first place, it is assuming
24 that there are two different motives and I am quite
25 certain that these documents as submitted of entries

1 from Marquis KIDO's diary, when correctly translated
2 and correctly interpreted, will show there is only one
3 real reason, not two different reasons as the prosecu-
4 tion is trying to present to this Tribunal.

5 THE PRESIDENT: It is too early to have dis-
6 cussions about the meaning of documents. We are con-
7 fined, for the time being, to their actual wording.

8 MR. FIDELLY: If I may say, Mr. President, I
9 think counsel is mistaken in saying that I made such
10 a statement. I said we were offering this entry in
11 fairness to KIDO and it was for the Tribunal to ascer-
12 tain what his real motives were. That is all I said.

13 THE PRESIDENT: You may have given the impres-
14 sion that you questioned his motives.

15 MR. FIDELLY: Having reached the point where
16 the Cabinet was formed which held office at the out-
17 break of the Pacific War and for some time thereafter,
18 we desire to call the Court's attention to the posi-
19 tions, if any, held during the regime of the TOJO
20 Cabinet until the Pearl Harbor and associated attacks
21 by each of the Accused, as shown by Prosecution exhibits
22 Nos. 102 to 129, inclusive.

23 TOJO was Prime Minister, War Minister and for
24 a short time Home Minister, President of the China
25 Affairs Board and a Supreme War Councillor. TOGO was

1 Foreign Minister, Overseas Minister, Vice President
2 of the China Affairs Board and a Supreme War Councillor.
3 SHIMADA was Navy Minister and Vice President of the
4 China Affairs Board. KAYA was Finance Minister and
5 Vice President of the China Affairs Board. SUZUKI was
6 Minister of State and President of the Planning Board
7 and a member of the Committee on Thought Control and
8 the Total War Institute and Chief Director of the China
9 Affairs Bureau. HOSHINO was a Minister of State and
10 was Chief Secretary of the Cabinet. KIDO was Lord
11 Keeper of the Privy Seal. KIMURA was Vice Minister of
12 War. OSHIMA was Ambassador in Berlin and Japanese
13 member of the German-Italian-Japanese Special Council
14 in Berlin.

15 The following accused were holding naval and
16 military appointments. NAGANO was Chief of the Naval
17 General Staff and a Supreme War Councillor. MUTO was
18 Chief of the Military Affairs Board in the Foreign
19 Ministry, and SATO was his Chief Assistant and Secre-
20 tary of a number of government committees. OKA held
21 the corresponding position in the Navy Ministry as
22 Chief of the Bureau of Naval and Military Affairs and
23 Assistant to the Navy Minister in Imperial Headquarters.
24 He was also a Japanese member of the German-Italian-
25 Japanese Mixed Experts Committee in Tokyo and a

1 Councillor of the Bureau of Manchurian Affairs.
2 DOHIHARA was Chief of the Air Inspectorate and a
3 Supreme War Councillor. HATA was Commander-in-Chief
4 of the Expeditionary Force in Central China. ITAGAKI
5 was Commander-in-Chief of the Kwantung Army and
6 Ambassador to Manchukuo. MINAMI was Governor-General
7 of Korea. Of the remainder, SHIGEMITZU was an adviser
8 to the Foreign Ministry. KOISO was a general on the
9 reserve list. MATSUI, a general retired. HIRANUMA
10 and HIROTA were ex-Premiers and as such attended the
11 meetings of Senior Statesmen. The former was also a
12 member of the Thought Control Committee. OKAWA was
13 Director General of the East Asia Research Institute
14 attached to the South Manchuria Railway, while ARAKI,
15 HASHIMOTO and SHIRATORI, as well as the deceased
16 MATSUOKA, had ceased to hold any official positions.

17 THE PRESIDENT: Major Furness.

18 MR. FURNESS: If the Court please, I think
19 at least two errors were made in that statement: one,
20 that MUTO had any connection with the Foreign Office;
21 two, that during this period SHIGEMITSU held any office
22 in the government.

23 THE PRESIDENT: Captain Brooks.

24 MR. BROOKS: In the case of General KOISO, I
25 would like for the record to show that in 1940, July

1 the 22nd, the exhibit referring to General KOISO shows
2 that he retired at that time as a private citizen, did
3 not have any official or military post for a period of
4 years after 1940. Exhibit 114, to which learned
5 counsel has referred, shows that he was placed on the
6 reserve list, at his own request, on July 29, 1938,
7 and retired from military service since that period.

8 THE PRESIDENT: Mr. Howard.

9 MR. HOWARD: Mr. President, we think that the
10 prosecutor was in error when he stated Mr. HOSHINO was a
11 Minister of State at that time.

12 THE PRESIDENT: Mr. Levin.

13 MR. LEVIN: Mr. President, I would like to
14 suggest the impropriety of again referring to a matter
15 which is already in evidence. The personnel record
16 of each of the accused was put in evidence in the
17 early stages of this case. It seems to us it is a
18 matter of summation and argument to direct attention
19 to particular evidence that is already in the case,
20 and under the circumstances we object to the reference
21 to evidence that is already in.

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THE PRESIDENT: Well, it is a great convenience to the Court to have the names of the accused who are alleged to have been taking part in the more important events as we receive the evidence of those events, but only, of course, if we get correct information.

MR. FIHELLY: We will check the record again.

MR. LEVIN: My associates call my attention to the fact that the statement with reference to General Suzuki was also inaccurate. We will correct it at the proper time.

MR. FIHELLY: This data, Mr. President, was taken from the exhibits I have mentioned -- 102 to 129. I will be glad to go over it again and also take into consideration the statements counsel made in that connection and make any proper statement to the Court if the corrections are warranted.

THE PRESIDENT: You might revise the exhibit. Perhaps it is not quite correct.

MR. FIHELLY: We will be glad to check on that too, your Honor.

We now offer in evidence International Prosecution document No. 4160-A, extracts from the TOJO interrogation of January 28, 1946, pages 1 and 2.

THE PRESIDENT: Admitted on the usual terms.

1 MR. FIHELLY: I ask that the basic one be
2 marked for identification.

3 CLERK OF THE COURT: Prosecution's document
4 No. 4160 will receive exhibit No. 1157 for identifi-
5 cation only.

6 (Whereupon, the document above-
7 mentioned was marked prosecution's exhibit
8 No. 1157 for identification only.)

9 CLERK OF THE COURT: And the excerpt there-
10 from, to-wit, document No. 4160-A, will receive
11 exhibit No. 1157-A.

12 (Whereupon, the document above
13 referred to was marked prosecution's ex-
14 hibit No. 1157-A and received in evidence.)

15 MR. FIHELLY: I now read the extracts from
16 prosecution's exhibit No. 1157-A from the interroga-
17 tion of January 28, 1946:

18 "Q. On 20 January 1941, Mr. Yosuke MATSUOKA,
19 who was then Foreign Minister in the Japanese Govern-
20 ment, is reported to have said to the Diet in part:

21 "Needless to say, the aim of Japanese foreign
22 policy is that of enabling all nations of the world
23 each to take its own proper place in accordance with
24 the spirit of Hakko Ichiu, the ideal which inspired
25 the foundation of our Empire. The object of the

1 Three-Power Pact, concluded between Japan, Germany,
2 and Italy, on September 27 last, is none other than
3 the realization of the same great ideal..... The
4 pact states that Germany and Italy recognize and re-
5 spect the leadership of the Japanese in the establish-
6 ment of a new order in Greater East Asia.'

7 "Q Did you agree with this at that time?

8 "A. I do not remember whether this was spoken
9 on the main floor of the House or not, but I think
10 it is reasonable. I did agree with it at that time.

11 "Q. Did not Japan, by the terms of the Three-
12 Power Pact, also recognize the leadership of Germany
13 and Italy in the European sphere?

14 "A. Yes. I have explained before that by the
15 word 'leadership', it was intended that the one Power
16 would have the initiative. The language of the Three-
17 Power Pact differs slightly from this quotation in
18 that the words 'position of leadership' are specifi-
19 cally mentioned. One thing I would like to remind
20 you of - at that time I was not Premier, I was only
21 War Minister so I didn't have the responsibility for
22 administration.

23 "Q. You became Premier in October of 1941, did
24 you not?

25 "A. Yes.

1 "Q. Did not you and the members of your cabi-
2 net, from that time on, work and act in accordance
3 with those same principles stated, first, by MATSUOKA
4 and, secondly by the Tripartite Pact?

5 "A. Yes. Of course we did."
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1 We next offer in evidence International
2 Prosecution document No. 4160-B, which contains
3 extracts from the TOJO interrogation of January 28,
4 1946. page 3, and ask that the parent document be
5 marked for identification.

6 CLERK OF THE COURT: It is the same one.

7 MR. FIHELLY: I see, it has already been
8 marked. I see. Pardon me. So we only want the
9 extract.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 4160-B will receive exhibit No. 1157-B.

13 (Whereupon, the document above
14 referred to was marked prosecution's ex-
15 hibit No. 1157-B and received in evidence.)

16 MR. FIHELLY: I now read from prosecution's
17 exhibit No. 1157-B, the extract from interrogation
18 of January 28, 1946:

19 "Q Did not the sphere of influence to be
20 allotted to Germany and Italy in Europe also include
21 countries they were then at war with, such as England?

22 "A No. England was not, I believe, included,
23 nor were Spain or Portugal included in this sphere.
24 I believe that the general matter of what countries
25 were to be included in the new order in Europe and

1 the new order in Asia was probably discussed between
2 Japan and Germany based upon the distribution of
3 forces at that time.

4 "Q Then as soon as countries were conquered,
5 they were to be added to this sphere?

6 "A Yes."

7 We next offer in evidence International
8 Prosecution document No. 4160-C, which contains
9 extracts from the TOJO interrogation of January 28,
10 1946, pages 4 and 5. I understand the parent docu-
11 ment has been marked for identification.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 4160-C will receive exhibit No. 1157-C.

15 (Whereupon, the document above
16 referred to was marked prosecution's exhibit
17 No. 1157-C and received in evidence.)

18 MR. FIMBLY: I now read from prosecution's
19 exhibit No. 1157-C, questions and answers from the
20 extract of interrogation of the defendant TOJO,
21 January 28, 1946, pages 4 and 5:

22 "Extract from Interrogation of Hideki TOJO

23 "28 January 1946 p.4-5

24 "Q Then both in Europe and in Asia the sphere
25 to be included in the new order decreased or increased

1 with the military situation?

2 "A That was about the long and short of it.

3 "Q Was all of this then in accordance with the
4 spirit of Hakko Ichiu?

5 "A Yes. As I explained before, it is a con-
6 cept of virtue, not a territorial concept.

7 "Q Was the same concept of virtue to be a part
8 of the sphere to be controlled by Germany and Italy
9 in Europe?

10 "A Japan's interpretation was that it was to be
11 similar, with no exploitation or special interests.
12 In fact, in the Three-Power Treaty, it is expressly
13 stated that each country is to have its own place
14 and that there is to be co-existence and co-prosperity
15 in both the East Asiatic and European spheres.

16 "Q What reason was there to believe that Ger-
17 many and Italy would have this virtuous understanding
18 of the new order in Europe?

19 "A (Laughter by the witness.) I believe that
20 Germany and Italy, both of whom had been exploited as
21 a result of defeat in World War I, had found it nec-
22 essary in order to exist to set up a sphere within
23 which the various countries could minister to each
24 other's needs. This was a concept within the meaning
25 of the word 'virtue'."

1 "Q But this ministration was to be done under
2 the supervision of Germany and Italy?

3 "A It was not supervision but leadership. Ger-
4 many and Italy were to have the initiative in bringing
5 about a new order of co-existence and co-prosperity of
6 all the countries concerned.

7 "Q What would happen if one or more of the con-
8 quered countries did not wish to join such an order?

9 "A I have been speaking of the treaty as it was
10 understood in Japan. When you get down to specific
11 problems like that, I cannot answer. I might say
12 that I believe that any country is not uninterested
13 in its own prosperity."
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1 We next offer in evidence International
2 Prosecution document No. 2510-A, containing extracts
3 of the interrogation of TOJO, March 12, 1946, pages
4 1, 4, 6, 8, 9, and 10. We offer that in evidence,
5 and if the parent has not been marked for identifica-
6 tion that it be marked.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2510 will be given exhibit No. 1158 for identi-
9 fication only.

10 (Whereupon, the document above
11 mentioned was marked prosecution's exhibit
12 No. 1158 for identification only.)

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: The excerpt therefrom,
15 to wit, document 2510-A, will receive exhibit No.
16 1158-A.

17 (Whereupon, the document above
18 referred to was marked prosecution's ex-
19 hibit No. 1158-A and received in evidence.)

20 MR. FIHELLY: I now read the two questions
21 and answers contained in prosecution's exhibit No.
22 1158-A, found on page 4 of the interrogation extract,
23 page 1 of the exhibit:
24

25 "Q Yesterday, you explained that the policy,
after the 6 September 1941 Imperial Conference, was,

1 on the one hand, to negotiate for peace, and on the
2 other, to prepare for war. Did you continue that
3 policy?

4 "A Yes. I undertook the work as Premier.

5 "Q What matters were discussed and what policies
6 decided on at the Imperial Conference of 5 November
7 1941?

8 "A There wasn't any Imperial Conference on the
9 5th of November."

10 To show that at this stage of the negotia-
11 tions Japan was helping Germany as a member of the
12 Tripartite Pact, we now offer in evidence Interna-
13 tional Prosecution document No. 15-E, a wire dated
14 October 16th from TOYODA, as Foreign Minister, to
15 NOMURA in Washington.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 15-E will be given exhibit No. 1159.

19 (Whereupon, the document above
20 referred to was marked prosecution's ex-
21 hibit No. 1159 and received in evidence.)

22 MR. FIELLY: I now read prosecution's
23 exhibit No. 1159:"

24 "From: Tokyo; To: Washington. October 16,
25 1941. #672.

1 "The Imperial Japanese Government has re-
2 peatedly affirmed to the American Government that
3 the aim of the Tripartite Pact is to contribute
4 toward the prevention of a further extension of
5 the European War. Should, however, the recent
6 tension in the German-American relations suffer
7 aggravation, there would arise a distinct danger
8 of a war between the two powers, a state of affairs
9 over which Japan, as a signatory to the Tripartite
10 Pact, naturally cannot help entertain a deep con-
11 cern. Accordingly, in its sincere desire that
12 not only the German-American relations will cease
13 further deterioration but the prevailing tension
14 will also be alleviated as quickly as possible,
15 the Japanese Government is now requesting the
16 earnest consideration of the American Government."

17
18 We next offer in evidence International
19 Prosecution document No. 2745, which is a group
20 certificate of the Japanese Foreign Office for
21 items found at the Japanese Foreign Office listed
22 therein. These items all relate to the Japanese-
23 American negotiations of 1941.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document
No. 2745 will receive exhibit No. 1160.

1 (Whereupon, the document above
2 referred to was marked prosecution exhibit
3 No. 1160 and received in evidence.)

4 MR. FIHELLEY: Having described the certifi-
5 cate, I see no necessity for reading it unless the
6 Tribunal requests it.

7 THE PRESIDENT: Do not read it.
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1 MR. FIHELLY: We next offer in evidence
2 International Prosecution Document 1532-D(1), a tele-
3 gram dated October 22, 1941, from NOMURA to the new
4 Foreign Minister TOGO, as tending to show that NOMURA
5 realized that a successful termination of the negoti-
6 ations was hopeless.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 1532-D(1) will receive exhibit No. 1161.

10 (Whereupon, the document above referred
11 to was marked prosecution's exhibit 1161 and
12 received in evidence.)

13 MR. FIHELLY: I now read prosecution's exhibit
14 No. 1161:

15 "Dispatched from WASHINGTON, Oct. 22, p.m.,
16 1941. Received by the Foreign Ministry Oct. 23, a.m.

17 "To: Foreign Minister TOGO

18 "From: Ambassador NOMURA

19 "(Strictly confidential. Ambassador's Code.)

20 "I have already wired you about my present
21 position. I am sure that I, too, should go out with
22 the former cabinet. I know that for some time the
23 Secretary of State has known how sincere I was, yet
24 knew how little influence I have in TOKYO. I hear that
25 the President also holds the same opinion. There are

1 some Americans who trust me and say that I am the
2 hope for preventing disaster, but, alas, their
3 encouragement is not enough. Among my countrymen
4 here in the United States there are also some who
5 feel the same way, but it is a superstitious mis-
6 understanding.

7 "As for Your Excellency's instructions,
8 WAKASUGI can carry them out fully. Nor do I imagine
9 that you all have any objections at the /Foreign/
10 Ministry when I am already done with. I don't want
11 to continue this hypocritical existence, deceiving
12 other people. Please do not think I am trying to
13 flee from the field of battle, but as a man of honor
14 this is the only way that is open for me to tread.
15 Please send me your permission /to return to JAPAN/.
16 Most humbly do I beseech your forgiveness if I have
17 injured your dignity and I prostrate myself before you
18 in the depth of my rudeness."

19 The next offer in evidence an entry from
20 the KIDO Diary of October 29, 1941, International
21 Prosecution Document No. 1632-W(112) to show that
22 a liaison conference was held on this date and for
23 rather pertinent matter contained therein.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document

1 No. 1632-W(112) will receive exhibit No. 1162.

2 (Whereupon, the document above referred
3 to was marked prosecution's exhibit No. 1162
4 and received in evidence.)

5 MR. FIELLY: I now read from prosecution's
6 exhibit No. 1162, the entry of October 29, 1941,
7 KIDO's Diary:

8 "At 9 a.m. General SUZUKI, President of the
9 Planning Board called on me, reported on the progress
10 of the liaison conference /Renraku Kaigi/ and we had
11 a talk. Mr. HARA, President of the Privy Council,
12 visited me at 10.30 a.m. to consult about the recom-
13 mendation to the Throne of Mr. Seihin IKEDA as a member
14 of the Privy Council. At 11.30 a.m. I heard from
15 Premier TOJO of the progress of the liaison conference,
16 the extension of the Anti-Comintern Pact and our
17 maneuvers vis a vis Yen Hsi-Shan. The Chief Aide-
18 de-Camp visited me at 12.45 p.m. and we talked
19 about the latest political situation. Had an audience
20 with His Majesty from 1.15 to 1.55. The Juichi-Kai
21 /T.N. Literally: The Party of Eleven/ was held to
22 exchange views regarding the recent political situation.
23 Those present were Prince KONOYE, HIROHATA, URAMATSU,
24 OKABE, KUROKI, SAKAI, ODA and YANAGISAWA."
25

We last mentioned the Pearl Harbor plan

1 showing that the fleet were practising at the Naval
2 War College at the early part of September, 1941.
3 I now read from page 1, paragraph 3, the last
4 eightlines of that paragraph, in connection with
5 events that were happening at this particular period.

6 "By November 1, 1941, the final test of
7 Combined Fleet Secret Operational Order No. 1
8 had been agreed upon and printing was begun.
9 The Order, together with its Annexes, detailed
10 the plans and schedules for attacks on Pearl
11 Harbor and various other British and American
12 Dutch possessions."

13 We next offer in evidence International
14 Prosecution Document 1532-D(2), a telegram from TOGO
15 to NOMURA on November 2nd to show that between the
16 time the TOJO Cabinet came into power and November
17 2nd that a number of liaison conferences were held.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 1532-D(2) will receive exhibit No. 1163.

21 (Whereupon, the document above referred
22 to was marked prosecution's exhibit No. 1163 and
23 received in evidence.)
24

25 MR. FIDELLY: I will now read prosecution's
exhibit No. 1163:

1 "To: Ambassador NOMURA

2 "From: Foreign Minister TOGO

3 "Despatched: 2 November 1941, 6:15 p.m.

4 "Telegram 722 (Ambassador Telegram)

5 "Since the formation of the new Cabinet, the
6 Government has been holding conferences for a number
7 of days with the Imperial Headquarters. We have
8 carefully considered and discussed a fundamental
9 policy for the improvement of relations between Japan
10 and America, but we expect to reach a final decision
11 at the meeting in the presence of the Emperor, on
12 the morning of the 5th, and will let you know the
13 result immediately. This will be our government's
14 last effort to improve diplomatic relations. The
15 situation is very grave. When we resume negotiations,
16 every aspect of the situation makes it urgent that we
17 reach a decision at once. This is to be strictly
18 kept only for your information. Now we trust your
19 most prudent attitude towards handling everything
20 before we take up the negotiations once more in the
21 very near future."

22 We have now reached the first days of
23 November, 1941, and I read from prosecution's exhibit
24 No. 809, page 66, to show that NAGANO, the Accused here,
25 admits himself that he gave the order on November 3rd

1 to attack Pearl Harbor.

2 I read Nos. 4, 5, 6 and 7 on page 66 of
3 that exhibit.

4 "(Note: The following paragraphs 5, 6 and
5 7 are based on the recollections of Admiral NAGANO,
6 Osami, then Chief of the Naval General Staff.)

7 "5. When was it decided to attack PEARL
8 HARBOR:

9 "3 Nov. 41. This date was set by the Chief
10 of the Navy General Staff, NAGANO, when CinC, Combined
11 Fleet, YAMAMOTO came to TOKYO

12 "6. Who made the foregoing decision?

13 "Chief of the Naval General Staff NAGANO.

14 "7. If the decision was made in conference,
15 give time of said conference and names of all persons
16 present.

17 "It was not made in conference."

18 We next offer in evidence a telegram of
19 November 4th from Tokyo to Washington, International
20 Prosecution Document No. 2593-D(7), which is offered
21 to show the tenseness in the United States-Japanese
22 relations and as also indicating that another Imperial
23 Conference was to be held on November 5th.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document

1 No. 2593-D(7) will receive exhibit No. 1164.

2 (Whereupon, the document above referred
3 to was marked prosecution's exhibit No. 1164
4 and received in evidence.)

5 MR. FIHELLY: I now read from prosecution's
6 document No. 1164:

7 "From: Tokyo

8 "To: Washington

9 "November 4, 1941

10 "Purple (CA) (Urgent)

11 "#725 (Part 1 of 3)

12 "Concerning my #722a.

13 "1. Well, relations between Japan and the
14 United States have reached the edge, and our people
15 are losing confidence in the possibility of ever
16 adjusting them. In order to lucubrate on a funda-
17 mental national policy, the Cabinet has been meeting
18 with the Imperial Headquarters for some days in suc-
19 cession. Conference has followed conference, and now
20 we are at length able to bring forth a counter-proposal
21 for the resumption of Japanese-American negotiations
22 based upon the unanimous opinion of the Government
23 and the military high command (ensuing Nos. 726 b
24 and 727 b). This and other basic policies of our
25 Empire await the sanction of the conference to be held

1 on the morning of the 5th.

2 "2. Conditions both within and without our
3 Empire are so tense that no longer is procrastination
4 possible, yet in our sincerity to maintain pacific
5 relationships between the Empire of Japan and the
6 United States of America, we have decided, as a result
7 of these deliberations, to gamble once more on the
8 continuance of the parleys, but this is our last
9 effort. Both in name and spirit this counter-pro-
10 posal of ours is, indeed, the last. I want you to
11 know that. If through it we do not reach a quick
12 accord, I am sorry to say the talks will certainly
13 be ruptured. Then, indeed, will relations between
14 our two nations be on the brink of chaos. I mean
15 that the success or failure of the pending discussions
16 will have an immense effect on the destiny of the
17 Empire of Japan. In fact, we gambled the fate of
18 our land on the throw of this die."

19 I only had intended to read part 1. If the
20 Court desires it, I will read the other two parts of
21 the telegram.

22 THE PRESIDENT: Yes, I think you should.

23 MR. FINELLY: All right, sir. I now read
24 part 2 of the same exhibit:

25 "From: Tokyo

1 "To: Washington From: Tokyo

2 "November 4, 1941

3 "Purple (CA) (Urgent)

4 "#725 (Part 2 of 3)

5 "When the Japanese-American meetings began,
6 who would have ever dreamt that they would drag out
7 so long? Hoping that we could fast come to some
8 understanding, we have already gone far out of our
9 way and yielded and yielded. The United States
10 does not appreciate this, but through thick and
11 thin sticks to the self-same propositions she made
12 to start with. Those of our people and of our
13 officials who suspect the sincerity of the Americans
14 are far from few. Bearing all kinds of humiliating
15 things, our Government has repeatedly stated its
16 sincerity and gone far, yes, too far, in giving in
17 to them. There is just one reason why we do this --
18 to maintain peace in the Pacific. There seems to be
19 some Americans who think we would make a one-sided
20 deal, but our temperance, I can tell you, has not
21 come from weakness, and naturally there is an end
22 to our long-suffering. Nay, when it comes to a question
23 of our existence and our honor, when the time comes we
24 will defend them without recking the cost. If the
25 United States takes an attitude that overlooks or shuns

1 this position of ours, there is not a whit of use
2 in ever broaching the talks. This time we are showing
3 the limit of our friendship; this time we are making
4 our last possible bargain, and I hope that we can
5 thus settle all our troubles with the United States
6 peaceably."

7 I now read part 3 of the same telegram, the
8 heading being the same:

9 "3. It is to be hoped earnestly that
10 looking forward to what may come at the end---at the
11 last day of Japanese-American negotiations--the Govern-
12 ment of the United States will think ever so soberly
13 how much better it would be to make peace with us;
14 how much better this would be for the whole world
15 situation.

16 "4. Your Honor will see from the considerations
17 above how important is your mission. You are at a key
18 post, and we place great hopes in your being able to
19 do something good for our nation's destiny. Will you
20 please think deeply on that and compose yourself and
21 make up your mind to continue to do your best. I hope
22 you will. Now just as soon as the conference is over,
23 I will let you know immediately, and I want you to go
24 and talk to President ROOSEVELT and Secretary HULL.
25 I want you to tell them how determined we are and

1 try to get them to foster a speedy understanding.

2 "5. In view of the gravity of these talks,
3 as you make contacts there, so I will make them here.
4 I will talk to the American Ambassador here in Tokyo,
5 and as soon as you have got the concensus of the
6 American officials through talking with them, please
7 wire me. Naturally, as these things develop, in case
8 you take any new steps, I want you to let me know
9 and get in contact with me. In this way we will
10 avoid letting anything go astray. Furthermore, lest
11 anything go awry, I want you to follow my instructions
12 to the letter. In my instructions, I want you to
13 know there will be no room for personal interpreta-
14 tion."

15 We next offer in evidence --

16 THE PRESIDENT: Those three messages from
17 Tokyo to Washington were intercepted?

18 MR. FIHELLY: That is right.

19 THE PRESIDENT: We will recess for fifteen
20 minutes.

21 (Whereupon, at 1045, a recess was
22 taken until 1100, after which the proceedings
23 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Fihelly.

4 MR. FIELLY: Mr. President, I don't know
5 whether the record shows that I answered your last
6 question just before recess. The document offered was
7 intercepted message.

8 THE PRESIDENT: The certificate I can only
9 note from the documents before me.

10 MR. FIELLY: We next offer in evidence
11 International Prosecution document 2593-D (8), another
12 wire of that date from TOGO to NOMURA bearing parti-
13 cularly on the attitude of the Japanese Government at
14 this stage of the negotiations, and I may say that the
15 wire itself says "Tokyo" rather than TOGO's particular
16 name being mentioned.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 2593-D (8) will receive exhibit No. 1165.

20 (Whereupon, the document above referred
21 to was marked prosecution's exhibit No. 1165 and re-
22 ceived in evidence.)

23 MR. FIELLY: I now read from prosecution
24 exhibit 1165: "From: Tokyo. To: Washi gton. Novem-
25 ber 4, 1941. Purple (CA) (Urgent). #726."

1 "(Part 1 of 4.)

2 "Proposal "A".

3 "1. This proposal is our revised ultimatum
4 made as a result of our attempts to meet, in so far
5 as possible, the wishes of the Americans, clarified
6 as a result of negotiations based on our proposals of
7 September 25. We have toned down our insistence as
8 follows:

9 "(1) The question of non-discrimination in trade.

10 "Should they appear not to accede to our pro-
11 posal of September 25 in this respect, insert the
12 following statement: 'The Japanese Government is
13 prepared to carry out this principle in the entire
14 Pacific area; that is to say, China as well, pro-
15 viding the principles of non-discrimination are ap-
16 plied to the entire world.'

17 "(2.) The question of our understanding and
18 application of the Tripartite Alliance.

19 "At the same time that you clarify to them that
20 we intend no expansion of our sphere of self-defense,
21 make clear, as has been repeatedly explained in the
22 past, that we desire to avoid the expansion of
23 Europe's war into the Pacific."
24

25 I now read part 2:

 "(3) The question concerning the evacuation of

1 troops.

2 "We are toning down our stipulations in this
3 connection as follows:

4 "(A) The stationing and evacuation of troops
5 in China since the outbreak of the China Incident.

6 "Japanese troops which have been sent to China
7 will be stationed in North China, on the Mongolian
8 border regions, and on the Island of Hainan after the
9 establishment of peace between Japan and China, and
10 will not be evacuated until the elapse of a suitable
11 interval. The evacuation of other troops will be
12 carried out by Japan and China at the same time
13 that peace is established. In order to maintain
14 peace and order, this will be carried out within a
15 period of two years. (Note: Should the American
16 authorities question you in regard to 'the suitable
17 period,' answer vaguely that such a period should en-
18 compass 25 years.)

19
20 "(B) The stationing and evacuation of troops
21 in French Indo-China.

22 "The Japanese Government respects the territorial
23 integrity of the French possession, Indo-China. In
24 the event that a just peace is established, or that
25 the China Incident is brought to a successful con-
clusion, Japanese troops which have been dispatched

1 to French Indo-China and are there now shall be
2 evacuated.

3 "(4) As a matter of principle, we are anxious to
4 avoid having this inserted in the draft of the formal
5 proposal reached between Japan and the United States
6 (whether it is called an understanding proposal or
7 some other sort of a statement.)

8 "Part 3.

9 "2. Explanation.

10 "(1) Of course, there is the question of geo-
11 graphical proximity when we come to consider non-
12 discrimination in commerce. However, we have revised
13 our demands along this line hitherto and put the
14 question of non-discrimination on a world-wide basis.
15 In a memorandum of the American Government, they state
16 in effect, however, that it might be feasible for
17 either country within a certain specified area to
18 adopt a given policy and for the other party within
19 another specified area to adopt a complementary policy.
20 Judging from this statement, I do not believe they
21 will oppose this term. I think that we can easily
22 reach an understanding on this matter.

23 "(2) As for the question of the Three-Power
24 Pact, your various messages lead me to believe that
25 the United States is, in general, satisfied with our

1 proposals, so if we make our position even more
2 clear by saying that we will not random`y enlarge
3 upon our interpretation of the right of self-defense,
4 I feel sure that we will soon be mutually agreed on
5 this point."

6 I now read part 4 of the exhibit:

7 "(3) I think that in all probability the ques-
8 tion of evacuation will be the hardest. However, in
9 view of the fact that the United States is so
10 much opposed to our stationing soldiers in undefined
11 areas, our purpose is to shift the regions of oc-
12 cupation and our officials, thus attempting to dis-
13 pel their suspicions. We will call it evacuation;
14 but although it would please the United States for
15 us to make occupation the exception rather than the
16 rule, in the last analysis this would be out of the
17 question. Furthermore, on the matter of duration of
18 occupation, whenever pressed to give a clear state-
19 ment we have hitherto couched our answers in vague
20 terms. I want you in as indecisive yet as pleasant
21 language as possible to euphemize and try to impart
22 to them the effect that unlimited occupation does
23 not mean perpetual occupation. Summing this up,
24 Proposal A accepts completely America's demands on
25 two of the three proposals mentioned in the other

1 proposal, but when it comes to the last point con-
2 cerning the stationing and evacuation of forces, we
3 have already made our last possible concession. How
4 hard, indeed, have we fought in China for four years!
5 What tremendous sacrifices have we made! They must
6 know this, so their demands in this connection must
7 have been only 'wishful thinking.' In any case,
8 our internal situation also makes it impossible for
9 us to make any further compromise in this connection.
10 As best you may, please endeavor to have the United
11 States understand this, and I earnestly hope and pray
12 that you can quickly bring about an understanding."

13 All the 2593's, as the certificate shows,
14 are intercepted messages.

15 We next offer in evidence International
16 Prosecution document 1532 D (3), a wire of November
17 4 from Foreign Minister TOGO to NOMURA, stating that
18 KURUSU was being sent to the United States.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 1532 D (3) will receive exhibit No. 1166.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1166 and received in evidence.)
25

MR. FIELLY: I now read prosecution exhibit

1 No. 1166:

2 "From: The Foreign Minister TOGO.

3 "To : The Ambassador NOMURA, in U.S.A.

4 "Despatched: 8:50 p.m. November 4, 1941

5 (Showa 16).

6 "#730 (Ambassador Code)

7 "Re my #725

8 "In view of the gravity of the present negotia-
9 tions and in view of your request, we are sending
10 Ambassador KURUSU to you by clipper leaving Hongkong
11 on the 7th (through the kind offices of the U.S.A.
12 Government). Secretary YUKI shall accompany Am-
13 bassador KURUSU, if we can manage to get a seat for
14 him.

15 "We are despatching Ambassador KURUSU to assist
16 you in the parleys. He is carrying with him no ad-
17 ditional instructions besides what I have wired you
18 already. I want you to facilitate future talks, to
19 make arrangements so that he will be able to see the
20 President immediately upon his arrival.

21 "By the way, we are keeping Ambassador KURUSU's
22 activities strictly secret for the time being."

23 We next offer in evidence International
24 Prosecution document 1449-D. On the same date,
25 November 4th, the Cabinet met and issued instructions

1 to the Information Board in connection with releasing
2 news on preparations for war and strategic moves, as
3 set forth in this IPS document we offer in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 1449-D will receive exhibit No. 1167.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1167 and received in evidence.)

10 MR. FIHELLY: I now read prosecution ex-
11 hibit No. 1167:

12 "MOST SECRET

13 "Policy for Guiding Public Opinion on British
14 and American Problems.

15 "Information Plan A No. 10. Agreed by the
16 Cabinet meeting on Nov. 4, 1940. Board of Information.
17 ("Precautions for handling). Same as Information
18 Plan A No. 8.

19 "1. The suppression of reports on objective
20 facts concerning the tenseness of diplomatic re-
21 lations with Great Britain and the United States
22 shall be eased as compared with that of the past.

23 "2. We shall endeavor to guide public opinion
24 so as to raise the spirit of the people naturally and
25 to make them hold hope for the future. We shall be

1 careful not to let public opinion become a single
2 uniform pattern.

3 "3. The following types of news and speeches
4 shall be excluded:

5 "(A) Such news and speeches as will enable the
6 enemy to perceive our war preparations and strategic
7 activities.

8 "(B) Such sensational speeches and activities
9 as will cause the public to lose the pride of a great
10 people and take direct actions against residents of
11 third powers."

12 On November 5 there was held a most im-
13 portant Imperial Conference, in regard to which we
14 refer to the following document: We next offer in
15 evidence the KIDO Diary entry of November 5, 1941,
16 IPS document 1632W (83).

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 1632W (83) will receive exhibit No. 1168.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1168 and received in evidence.)

23 MR. FIDELLY: I now read from prosecution
24 exhibit No. 1168, a copy extract from the Diary
25 entry of November 5, 1941:

1 "The Council in the presence of the Emperor was
2 held at 10:30 a.m. and continued until 3:10 p.m. and
3 a policy towards the U.S.A., England, and the
4 Netherlands was decided. At 3:40 p.m. Premier TOJO
5 visited me to inform me of such matters as the for-
6 mation of the Southern Army and the dispatch of Mr.
7 KURUSU to the U.S.A. Mr. HIROSE visited me at 7 p.m."

8 I now read from prosecution exhibit 1107,
9 page 4, the list of those present at the Imperial
10 Conference on 5 November 1941:

11 "TOJO, Prime Minister and War Minister concurrently;
12 TOGO, Foreign Minister; SHIMADA, Navy Minister; KAYA,
13 Finance Minister; SUZUKI, President of Planning Board;
14 SUGIYAMA, Chief of Army General Staff; NAGANO, Chief
15 of Naval General Staff; HOSHINO, Chief Secretary of
16 the Cabinet; MUTO, Director of Military Affairs
17 Bureau, War Ministry; OKA, Director of Military
18 Affairs Bureau, Navy Ministry; TSUKADA, Vice-Chief
19 of Army General Staff; ITO, Vice-Chief of Naval
20 General Staff; HARA, President of the Privy Council."
21
22
23
24
25

1 MR. FIEHELLY: We next offer in evidence an
2 undated document found at the Foreign Ministry showing
3 certain of the matters acted on and policies decided
4 on at this November 5th Imperial Conference. This
5 is International Prosecution Section document No.
6 790-A, which we now offer in evidence.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution document
9 No. 790-A will receive exhibit No. 1169.

10 (Whereupon, the document above referred
11 to was marked prosecution's exhibit No. 1169 and
12 received in evidence.)

13 MR. FIEHELLY: I now read prosecution's ex-
14 hibit No. 1169, headed:

15 "MEASURES TOWARDS FOREIGN COUNTRIES IN RE-
16 LATION TO THE 'PRINCIPLE OF EXECUTION OF NATIONAL
17 POLICY OF THE EMPIRE' WHICH WAS DECIDED AT THE MEETING
18 IN PRESENCE OF EMPEROR ON NOVEMBER 5.

19 "I. Towards Germany and Italy.

20 "When it is recognized that the Japanese-
21 American negotiation comes to an end and warfare is
22 inevitable (imagined to be after November 25, probably),
23 we inform Germany (Italy), without delay, Japan has an
24 intention to open hostilities against the U.S.A. and
25 Britian before long as soon as the preparation will

1 be completed and being a part of the preparation,
2 we negotiate on the following items:

3 "A. Germany's (Italy's) participation in
4 the war against the U.S.A.

5 "B. Non-separate peace making.

6 "Note: In case when Germany demands Japan's
7 participation in the war against Soviet, we answer
8 Japan cannot do it for the present. Even if the
9 Germany's participation in the war, because of it,
10 would be postponed, it cannot be helped.

11 "II. Towards Britian.

12 "We take measures previously so as to get
13 Britian to accept and to cooperate positively the sub-
14 jects concerned to Britian in the understanding which
15 is the fruit of the negotiation with America. We will
16 not adopt any other diplomatic schemes purposely to
17 keep the intention in secret.

18 "III. Towards Dutch Indies.

19 "In order to hide and camouflage our inten-
20 tion, we shall open the diplomatic negotiation at the
21 earliest opportunity with her one by one, after the
22 manner of continuing the former negotiation, princi-
23 pally aiming at the supply of necessary materials for
24 the Empire.
25

"IV. Towards the Soviet Union."

1 "We continue the negotiation founded on the
2 clause No. 1 of the 'Principle of negotiation with
3 the Soviet Union' decided at the Liaison Conference
4 between the Government and the Imperial Headquarters
5 on August 4, 1941.

6 "V. Towards Thailand.

7 "A. We request and get it to admit quickly
8 the following just before dispatching troops.

9 "Even if Thailand does not consent it, the
10 troops shall be dispatched as prearranged. However,
11 we avoid with all our might the outbreak of hostile
12 activities between Japan and Thailand.

13 "1. Passage of the Japanese military forces
14 and affording facilities for it.

15 "2. Instant execution of measures to avoid
16 conflicts between soldiers of both countries on the
17 occasion of the passage of the Japanese forces.

18 "3. Conclusion of a joint defense pact, if
19 she hopes.

20 "Note: Before the said negotiation is begun,
21 there must not be any peculiar change (in our attitude
22 towards Thailand) than usual, and we should pay at-
23 tention to hide the intention of opening a war.

24 "B. Soon after the dispatch of the Japanese
25 military forces, we make arrangements of a concrete

1 nature in that place in regards to the following
2 items:

3 "1. Concerning the passage and occupation
4 of the Japanese forces.

5 "2. Offering for the use of the Japanese
6 forces new construction and strengthening of the
7 military establishments.

8 "3. To furnish the necessary communication
9 and transportation measure and factory establishments.

10 "4. Billets and supplies for the military
11 forces passing and stationing.

12 "5. To give a loan for the necessary mili-
13 tary expenses.

14 "Note: In order to make those negotiations
15 favorable, at the negotiation of Item Nos. 1 and 2,
16 we will promise to respect her sovereignty and terri-
17 tory and, further, we will suggest in the effect that
18 'according to her attitude, we will consider to give
19 a portion of Burma or Malay to her in the future).'
20

21 "VI. Towards China.

22 "Paying attention to the securing of the
23 Japanese synthetic war power with which we must prepare
24 the long world war, avoiding consumption of national
25 energy and taking precautions against diminution of
military forces in the future, we take the following

1 measures:

2 "A. To clear away the armed forces of the
3 U.S. and Britian out of China.

4 "B. To secure the hostile concessions in
5 China (including the Peking Legation area) and the
6 important rights and interests (customs, mines, etc.)
7 of the hostile countries under our power, materially.
8 But we must be careful to diminish as far as possible
9 our personal and material burdens.

10 "Note: Though we clear up the hostile forces
11 out of the Common Concessions and Peking Legation
12 area and take them under our real power, they con-
13 tain interests which belong to the friendly countries,
14 and so we will not take such a measure as to occupy
15 them.

16 "C. The commencement of the above measures
17 shall be postponed until after we open the war against
18 the U. S. and Britian, for the purpose of not exposing
19 our intention.

20 "D. The motion of belligerent rights against
21 Chungking shall not be taken in such a special manner
22 as to declare it, but we shall gain its real effect
23 materially by beginning war against the U.S. and Britian.

24 "E. Even hostile countries' rights and in-
25 terests which are concerned with the National Govern-

1 ment shall be secured under our power, for the present,
2 according to our necessity, and measures to arrange
3 their interests shall be taken on another occasion.

4 "F. Through measures to induce and acceler-
5 ate as strong as possible the activities of influence
6 of the Chinese in the occupied area, and endeavoring
7 to gain the people's feeling in cooperating with Japan
8 and China. We will realise gradually partial peace,
9 district by district, beginning from the possible area.

10 "G. As for the economical relations to China
11 we attach importance in gaining goods from the unoccu-
12 pied area and we adjust reasonably the existing various
13 controls."

14 Heading: "PRINCIPLE OF ACCELERATION OF TER-
15 MINATION OF THE WAR AGAINST THE UNITED STATES, BRITIAN,
16 HOLLAND AND CHIANG."

17 Sub-heading: "Foreign Office.

18 "1. To conclude arrangement with Germany and
19 Italy not to cease war individually.

20 "2. We shall manage to assist to make peace
21 between Germany and the Soviet, according to results
22 of talks between Germany and Japan, to restore the
23 continental connection between Germany and Japan and
24 readjusting, on the other hand, the relation between
25 Japan and the Soviet (if possible, we shall conclude

1 a treaty of territorial inviolability), we will take
2 measures so as to help the Soviet to advance to the
3 direction of India and Persia.

4 "3. To contribute to the settlement of the
5 Incident, we shall cut the 'Burmese and Hongkong
6 Chiang-supporting Route', and restore the concessions
7 for China, and leading and utilizing the Chinese mer-
8 chants in the South Seas regions, we shall in-
9 tensify the pressure on the Chiang Regime.

10 "4. We shall admit the Philip ines' independ-
11 ence after our occupation and declare to the world as
12 fast as possible.

13 "5. We shall make a portion of Dutch Indies in-
14 dependent and secure the necessary portions for the
15 Empire.

16 "6. We shall make Burma independent and
17 stimulate and assist the independence movement of
18 India.

19 "7. We shall support the restoration of
20 Thailand's lost territories from Britain. (As for
21 French Indo-China, we shall maintain the present
22 conditions.)

23 "8. We shall not restrain the people's life in
24 the occupied area and keep strictly the policy not
25 to interfere in its internal administration. "

1 "9. When a suitable time arrives, we shall
2 make it clearly known that we shall be ready to secure
3 impartial supply of tin and rubber in the South Seas
4 regions.

5 "10. Though it is possible to take into con-
6 sideration for once to utilize Americans of German
7 descent to make public opinions of America disunited,
8 it is impractical and ineffective, as was shown in
9 the example of the former World War.

10 "11. We cannot expect much in manouever towards
11 Central and South America."
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1 MR. FIEHELLY: On the same date TOGO sent a
2 telegram to NOMURA --

3 THE PRESIDENT: Dr. KIYOSE:

4 DR. KIYOSE: I have just seen the original of
5 the document just read to the Tribunal. On the certifi-
6 cate attached thereto the date is November 5, whereas
7 the date on the cover of said document is November 13.
8 Although the texts of these documents are identical --
9 just about identical -- there being two documents, we
10 would like to know which is to be admitted by the Court.
11 One of them is undated. I should like to have the
12 matter referred to the Language Arbiter or some other
13 appropriate step taken.

14 THE PRESIDENT: Have you tendered both docu-
15 ments?

16 MR. FIEHELLY: Tendered both. Some of these
17 documents vary in some respects but they are all found
18 in the Japanese Government files of November 1, 1941.

19 THE PRESIDENT: Does the cover bear that date,
20 13th of November?

21 MR. FIEHELLY: I will take Dr. KIYOSE's word
22 for the fact that it does. It isn't on our processed
23 copy. But I will state to the Court that between
24 November 5 and, roughly, November 13, there were about
25 six documents found in the various files of the Japanese

1 Government, some almost identical but showing the evo-
2 lution and genesis of plans of what happened in the way
3 of policy at the November 5 conference, that we think
4 are all admissible.

5 THE PRESIDENT: There is nothing to refer to
6 the Language Section.

7 DR. KIYOSE: I should like to say, your Honor,
8 that even if those documents are generally the same,
9 inasmuch as these documents have been revised from
10 time to time there are differences in the substance or
11 contents of these documents and I should think that
12 the Court should determin on one document and as to
13 which document the Court will determine upon I would
14 like to know.

15 THE MONITOR: And which one should be trans-
16 lated.

17 THE PRESIDENT: If there is any substantial
18 difference between the two upon which the defense would
19 care to rely, they may do so in the course of putting
20 their case. They have the assistance of the Language
21 Section without appealing to us.

22 MR. FIHELLY: On the same date, TOGO sent a
23 telegram to NOMURA, this comes rather from Tokyo to
24 NOMURA, with regard to the proposals decided at that
25 conference. This is International Prosecution document

1 No. 2593D (9) which we now offer in evidence to show
2 that the Imperial Conference was held on November 5
3 and as tending to show that the Japanese Government
4 was making its last offer to the United States before
5 going to war.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2593D (9) will receive exhibit No. 1170.

9 (Whereupon, the document above referred
10 to was marked prosecution's exhibit No. 1170 and
11 received in evidence.)

12 MR. FIDELLY: I now read prosecution's
13 exhibit 1170:

14 "From: Tokyo.

15 "To: Washington.

16 "5 November 1941

17 "(Purple-CA)

18 "#735

19 "1. Our counter proposal in the Japanese-
20 U.S. negotiations referred to in my message #725 was
21 taken up at the Imperial Conference on this, the 5th,
22 and was given approval. Therefore, will you please
23 begin the talks along the lines given in my instruc-
24 tions.

25 "2. We assume that it would meet with the

1 U.S. approval, in view of the past developments, if,
2 for the time being, the 21 June proposal -- 25 Sep-
3 tember's from our point of view -- was used as a basis
4 of these new talks. Subsequently, we feel that from
5 the standpoint of the likelihood of reaching an early
6 agreement, our Proposal A (contained in my message
7 #726) should be submitted for discussion. (As a matter
8 of fact, there are a number of points in the form and
9 in the expressions used in the U.S. proposal which do
10 not meet with our complete approval. However, we feel
11 that for convenience and speed's sake, Proposal A
12 should be submitted first.) Please, therefore, explain
13 these points to the United States and at the same time
14 have them clearly understand the circumstances contained
15 in my message #725. Thereupon, do your utmost to have
16 them accept that proposal in the shortest possible
17 time.

18 "3. If the United States expresses too many
19 points of disapproval to Proposal A and if it becomes
20 apparent that an agreement cannot be reached, we intend
21 to submit our absolutely final proposal, Proposal B
22 (Contained in my message #727). Please, therefore,
23 ascertain the U.S. attitude to Proposal A as soon as
24 possible, and advise this office. Be sure to advise
25 this office before Proposal B is submitted to the United

1 States.

2 "4. As stated in my previous message, this is
3 the Imperial Government's final step. Time is becoming
4 exceedingly short and the situation very critical.
5 Absolutely no delays can be permitted. Please bear this
6 in mind and do your best. I wish to stress this point
7 over and over.

8 "5. We wish to avoid giving them the im-
9 pression that there is a time limit or that this pro-
10 posal is to be taken as an ultimatum. In a friendly
11 manner, show them that we are very anxious to have them
12 accept our proposal."

13 On the same date, November 5, 1941, TOGO sent
14 another telegram to NOMURA, International Prosecution's
15 document 2593D (10), which was marked "Of utmost
16 secrecy," which we now offer in evidence as tending
17 to show that war was to begin very shortly with the
18 U.S.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT : Prosecution's document
21 No. 2593D (10) will receive exhibit No. 1171

22 (Whereupon, the document above referred
23 to was marked prosecution's exhibit No. 1171 and
24 received in evidence.)

25 MR. FIDELLY: I now read prosecution's exhibit

1 No. 1171:

2 "From: Tokyo

3 "To: Washington.

4 "5 November 1941

5 "(Purple-CA)

6 "#736 (Of utmost secrecy).

7 "Because of various circumstances, it is
8 absolutely necessary that all arrangements for the
9 signing of this agreement be completed by the 25th of
10 this month. I realize that this is a difficult order,
11 but under the circumstances it is an unavoidable one.
12 Please understand this thoroughly and tackle the problem
13 of saving the Japanese U.S. relations from falling
14 into a chaotic condition. Do so with great determination
15 and with unstinted effort, I beg of you.

16 "This information is to be kept strictly to
17 yourself only."

18 On November 5, the same date on which the dead-
19 line was set as November 25, and on the same date that
20 the Imperial Conference was held, the defendant NAGANO
21 issued the first order which caused the Pearl Harbor
22 attack plan to be put into execution.

23 THE PRESIDENT: Mr. Logan.

24 MR. LOGAN: If the Tribunal please, with
25 respect to the last document offered in evidence, counsel

1 stated it was offered as tending to show war was to
2 begin very shortly with the U.S. In the first place,
3 I don't think that the reading of the telegram bears
4 out that statement. In the second place, he has failed
5 to read the notation at the bottom: "(D) Navy
6 Translation, November 5, 1941."

7 THE PRESIDENT: We note what you say, Mr. Logan.

8 MR. FIHELLY: I now refer, in connection with
9 November 5, as I have just stated, the date of the
10 Imperial Conference and the date of this last telegram
11 with respect to November 25 being the dead-line. I
12 now quote from exhibit 809, page 75, the order appear-
13 ing about half way down the page, November 5, 1941:

14 "From: Chief of Naval General Staff, NAGANO,
15 Osami.

16 "To: CinC Combined Fleet, YAMAMOTO.

17 "A. Because it is feared that war with the
18 United States, Great Britain and the Netherlands is
19 inevitable, it has been decided that for the sake of
20 the Empire's defense general operational preparations
21 will be completed by the first part of December.

22 "B. The Commander-in-Chief Combined Fleet
23 will carry out the necessary operational preparations.

24 "C. The details will be set forth by the
25 Chief of the Naval General Staff."

1 "Imperial Headquarters Navy Staff Section
2 Directive 1 (essentials)."

3 It will be shown in Admiral Richardson's
4 testimony later that on that same date, November 5,
5 pursuant to that particular order of NAGANO, YAMAMOTO
6 issued the second order which was the first Combined
7 Fleet Operational Order No. 1 in connection with the
8 Pearl Harbor attack.

9 On November 7 we have another order being
10 issued in connection with the Pearl Harbor attack, and
11 I now read from exhibit 809, page 77, the order of
12 November 7 in the middle of the page:

13 "Flagship NAGATO, HIROSHIMA-WAN

14 "7 November 1941

15 "YAMAMOTO, Isoroku

16 "CinC Combined Fleet.

17 "Combined Fleet Order

18 "The Task Force will gather in HITOKAPPU-WAN
19 and remain there to take on supplies until 22 November.
20 Every precaution will be taken to insure a secrecy in
21 movements.

22 "Note: About the time the above order was
23 issued, a Combined Fleet order (giving directions for
24 carrying out the Operation Policy) based on Imperial
25 Headquarters Navy Staff Section Directive 1 was also

1 issued. Detailed information as to its contents is
2 not available. (It is thought that it was about the
3 same as Paragraph 1 of Task Force Operation Order 1,
4 which was issued later)."

5 This same prosecution exhibit 809, on page 11,
6 has some other information. I read from page 11, the
7 heading of the second column:

8 "5 November

9 "Combined Fleet Secret Operation Order No. 2

10 "Y-Day will be 23 November.

11 "10 November.

12 "Combined Fleet Secret Operation Order No. 3.

13 "X-Day will be 8 December."

14 On November 10, 1941, there was issued
15 Striking Force Operation Order No. 1 for all ships to
16 complete battle preparations by November 20. I again
17 refer to prosecution's exhibit 809 and read the per-
18 tinent passage on page 10 referring to this order.
19 That passage appears in the middle of the first column
20 on the page:

21 "Flagship AKAGI, SAEKI WAN

22 "10 November 1941

23 "Striking Force Operation Order No. 1.

24 "1. All ships will complete battle prepara-
25 tions by 20 November."

1 "2. The fleet will rendezvous at TANKAN WAN
2 (HITOKAPPU BAY, ETOROFU ISLAND, KURILES).

3 "3. Inasmuch as the plans for the coming
4 operation must be kept absolutely secret, strick
5 security will be maintained in regard to them, up to
6 the time they are explained to the crew after port of
7 departure in Japan has been cleared.

8 "4. Break-down of Attack Plane Units.

9 "The AKAGI First Attack plane Unit.

10 "Unit Commander: Lieutenant Commander XX.

11 "First Carrier Attack Unit.

12 "Etc. (details not recalled by prisoner of
13 war).

14 "5. Fleet cruising formation (Including
15 retiring formations).

16 "6. All transmission of messages is strictly
17 forbidden.

18 "Transmission and reception will both use the
19 Tokyo No. 1 broadcast communications system.

20 "NAGUMO, Chuichi

21 "Commanding, Striking Force.

22 MR. LOGAN: If the Tribunal please, I wish to
23 call your Honor's attention to the fact that these
24 excerpts ~~that~~ were just read from exhibit 809 are
25 reports which are based on the recollection of a Japanese

1 chief yeoman who was captured at Saipan.

2 THE PRESIDENT: We are aware of that fact.

3 MR. FIELLY: We next offer in evidence Inter-
4 national Prosecution Section document No. 4058A, dated
5 November 8, 1941, from the German Foreign Office to
6 Washington and Rome as bearing on the gravity of the
7 negotiations and to show that Germany was kept well-
8 informed of their status.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 4058A will receive exhibit No. 1172.

12 (Whereupon, the document above referred
13 to was marked prosecution's exhibit No. 1172 and
14 received in evidence.)

15 MR. FIELLY: I now read prosecution's exhibit
16 1172:

17 "Telegram IZ (Secret Cipher Process)

18 "Berlin, 8 November 1941.

19 "German Embassy: a) Rome. b) Washington.

20 "Reviewer: 1.V.L.S./TN?/ Dr. Braun.

21 "Re: Conversation OTT-TOGO on KURUSU Mission."

22 There are some symbols appearing on the other
23 side that I will not read.

24 "Embassy Tokyo wires the following on the
25 KURUSU Mission:"

1 "'Ins. /TN.??/ from Telegram No. 2354 of 6 November
2 from Tokyo from (to)"

3 "TOGO stated that a firm attitude on the part
4 of Japan had been expressed in the instructions for
5 KURUSU. In his negotiations with the United States
6 he was given a definite limit which he could not cross.
7 The dispatch of KURUSU was only recently decided upon,
8 as is borne out by his hurried departure itself.

9 "'Ins. /TN.??/ from telegram No. 2354 of 6
10 November from Tokyo from ((to))'

11 "End of the report."

12 Erdmannsdorff is apparently the name signed
13 at the end.

14 That the British attitude was fully under-
15 stood by Japan at this time is proven by International
16 Prosecution Section document 2537A, an item dated
17 November 12, which we now offer in evidence, quoting
18 from a well-known speech of Prime Minister Churchill
19 on November 10.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT Prosecution's document
22 No. 2537A will receive exhibit No. 1173.

23 (Whereupon, the document above referred
24 to was marked prosecution's exhibit No. 1173 and
25 received in evidence.)

at the end.

1 THE PRESIDENT: Mr. Cunningham.

2 MR. CUNNINGHAM: If the Tribunal please, I
3 want to object to the last and this statement as
4 argumentative and interpretation of documents not
5 embraced within the language of the document. I call
6 attention to the former statement and also to the one
7 pertaining to this document. The former one stated
8 that the document indicated that Germany was kept well-
9 informed. I merely submit that this is stretching
10 the facts.

11 THE PRESIDENT: I see nothing excessive in
12 either statement, but Mr. Cunningham's representations
13 are noted.

14 MR. FIEELLY: I now read from prosecution's
15 exhibit 1173:

16 "Extract from 'The Tokyo Nichi Nichi'

17 "November 12, 1941.

18 "Churchill Claims Britain is Ready for Action
19 in India, Pacific Oceans. Will Fight Nippon if America
20 Does.

21 "London Prime Minister Declares no Negoti-
22 ations will be Conducted with Hitler or Nazi Regime;
23 Lease-Lend bill and Chungking Given Lavish Praise.

24 "Special to Mainich-Nichi Nichi.

25 "London. November 10. Prime Minister Winston

1 Churchill, in a speech at the Lord Mayor's luncheon at
2 Mansion House, warned that the war might soon spread
3 throughout the world.

4 "Should the United States be involved in a
5 war with Japan,' the Prime Minister declared, 'a
6 British declaration will follow within an hour.'

7 "We do not know whether the efforts of the
8 United States to preserve peace in the Pacific will
9 be successful.

10 "But if they fail, I take this occasion to
11 say -- and it is my duty to say--- that should the
12 United States be involved in a war with Japan, a
13 British declaration will follow within an hour."

14 We next offer in evidence a telegram dated
15 November 11, from Tokyo to Washington to NOMURA,
16 International Prosecution Section document 2593D (11),
17 which shows that the British Government -- show the
18 relationship of the British Government to the negoti-
19 ations then pending between Japan and the United States.

20 THE PRESIDENT; Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 2593 will receive exhibit No. 1174.

23 (Whereupon, the document above referred
24 to was marked prosecution's exhibit No. 1174 and
25 received in evidence.)

1 THE PRESIDENT: You may read it after the
2 recess. We will recess now until half past one.

3 (Whereupon, at 1200, a recess was taken.)
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AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at
4 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Mr. Fihelly.

8 MR. FIELLY: I will now read from prosecu-
9 tion exhibit 1174:

10 "From: Tokyo.

11 "To : Washington.

12 "11 November 1941

13 (Purple)

14 "#764 (In 3 parts, complete).

15 "1. On the 11th, the British Ambassador,
16 while calling on me on some other business, brought
17 up the subject of the conversations. He advised me
18 that he reported my talks of the other day (see con-
19 tents of 2 of my message #723*) to his home govern-
20 ment, to which his government replied along the fol-
21 lowing lines, he said:

22 "The British Government is not aware of the
23 details of the conversations being conducted in Wash-
24 ington. Since its success would be of interest to
25 Britain and Japan, it is fervently hoping for the

1 success thereof. However, unless the basis of dis-
2 cussion is first settled upon, it would be useless
3 to go ahead and enter into negotiations of the details.
4 The British Government feels that discussions as to
5 the basic principles could safely be left up to the
6 U. S. Government. However, as soon as the real ne-
7 gotiations begin, the United States is to confer with
8 Great Britain according to arrangement. Therefore,
9 when that time arrives, negotiations will be carried
10 on jointly with the United States and Japan.'

11 "2. I replied that in the matters being
12 discussed between Japan and the United States there
13 were some phases which greatly affected Great Britain.
14 In the event of an agreement between Japan and the
15 United States, Japan will simultaneously seek Britain's
16 agreement. I wish to arrange matters so that the
17 two agreements may be signed at exactly the same time.
18 In view of the fact that to do the above is necessary,
19 we have already requested the United States to give
20 their approval to the terms, I said to the British
21 Ambassador.

22 "The British Ambassador said that he was
23 not aware as to how much progress had been made be-
24 tween the United States and Japan, but he assumed
25 that they were still in the preliminary stages."

1 "I, therefore, replied that his assumption
2 may have fitted in the past, but that at present
3 they had already entered into the realm of the actual
4 negotiations. Moreover, the Imperial Government has
5 already submitted its final proposal, thus bringing
6 the negotiations to the final phase. We have made
7 this fact absolutely clear to the United States, I
8 added.

9 "I went on to say that I hear that the
10 British Prime Minister made a speech at a luncheon
11 given by the Mayor of London in which he stated that
12 though he did not know the developments in the U.S.-
13 Japanese negotiations, he would issue a warning to
14 Japan. Would it not be more to the point, I chal-
15 lenged, if, instead of making threats without knowing
16 of what he spoke, he were to try to more clearly
17 understand the issues and to cooperate in an effort
18 to clear them up? However, I said, with the U. S.-
19 Japanese talks in the phase they are today, and in
20 view of the fact that I realized that there were
21 certain relationships between the United States and
22 Great Britain, I have no intention of urging or op-
23 posing British participation in these talks at this
24 time.

25 "The Imperial Government has made the maxi-

1 mum concessions she can in drawing up its final pro-
2 posal, I explained. We are of the opinion that the
3 United States will find no objectionable points in
4 it. I believe that it will be possible to sign the
5 agreement within a week to ten days, I said. If,
6 unfortunately, the United States refuses to accept
7 those terms, it would be useless to continue the ne-
8 gotiations. Our domestic political situation will
9 permit no further delays in reaching a decision.

10 "I am making superhuman efforts at this time,
11 I pointed out, in the attempt to ride out the crisis
12 in the U.S.-Japanese and the British-Japanese rela-
13 tions. There are factions in the country which in-
14 sist that there is no need for negotiating and point
15 out the uselessness of doing so. The negotiations
16 are being continued only after these factions were
17 checked.

18 "For these reasons, it is absolutely im-
19 possible that there be any further delays.

20 "A speedy settlement can be made depending
21 entirely upon the attitude of Britain and the United
22 States, I said, and suggested that his country give
23 serious consideration to this, and cooperate in bring-
24 ing about an early agreement.

25 "In the above manner, I pointed out the

1 criticalness of the situation. The Ambassador listen-
2 ed to what I said very attentively, giving indications
3 that he was realizing for the first time how critical
4 the situation was. He advised me that he would send
5 his government a report of the above conversation
6 and that he himself would do his best to bring about
7 a speedy settlement.

8 "3. Thus, there are indications that the
9 United States Government is still under the impres-
10 sion that the negotiations are in the preliminary
11 stages and that we are still merely exchanging opin-
12 ions. This is further supported by the words of
13 President Roosevelt reported by you in your message
14 #1070** (that part in which he says that he hopes
15 that these preliminary discussions will lead to the
16 basis of the real negotiations, etc.)

17 "That the United States takes this lazy and
18 easy going attitude in spite of the fact that as
19 far as we are concerned, this is the final phase,
20 is exceedingly unfortunate. Therefore, it is my
21 fervent hope that Your Excellency will do everything
22 in your power to make them realize this fact and
23 bring about an agreement at the earliest possible
24 moment."

1 Some symbols below that do not seem to be
2 of importance.

3 We now come to an important group of docu-
4 ments which were found at the Japanese Foreign
5 Ministry which show action taken by Japan following
6 upon the decisions of the Imperial Conference of
7 November 5, 1941. The first of these documents
8 which we now offer in evidence is International
9 Prosecution No. 990 which is a draft of reasons for
10 war with the United States and Great Britain, dated
11 November 11, 1941, adopted at the Liaison Conference
12 of that date.

13 MR. FREEMAN: If the Tribunal please,
14 document 990 has an affidavit by General TANAKA.
15 I would like to call attention of the Tribunal to the
16 second paragraph where he certifies that to the best
17 of his knowledge and belief the attached document
18 was prepared by or under the direction of SATO,
19 Kenryo, then Chief of the Military Affairs Section
20 of the Military Affairs Bureau. He does not give
21 any basis for the grounds of his belief or any
22 reason for his statement; and I, therefore, respect-
23 fully submit that the certificate is tantamount to
24 no certification at all. It is, thus, reducing the
25 document to such a doubtful kind of evidence as to

1 be stricken by the Court or to have no probative
2 value.

3 THE PRESIDENT: We must pay regard to the
4 first paragraph in the affidavit. If he does not
5 know, who would? A Major General, Chief of the
6 Military Service Bureau; he attended meetings at
7 which the document was read; and, according to him,
8 the accused, SATO, Kenryo, was then Chief of the
9 Military Affairs Section of the Military Affairs
10 Bureau. Major General TANAKA should have a fair
11 idea who was responsible for the document.

12 MR. FREEMAN: The wording of the certifi-
13 cate there is such that he apparently was not sure.

14 THE PRESIDENT: That is a mere form.
15 Affidavits are always based on knowledge and be-
16 lief.

17 The document is admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 990 will receive exhibit No. 1175.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1175 and received in evidence.)

23 MR. FIELLY: I now read from prosecution
24 exhibit 1175: "4 or 5 parts (State Secret)" -

25 Heading:

1 "Principal reasons alleged for the commencement
2 of hostilities against the U.S.A. and Britain.

3 "(Draft)

4 "11 November SHOWA 16 (1941)

5 "Draft adopted at the Liaison Conference

6 "1. That it is the unshakable national policy
7 of our Empire to establish permanent peace by creating
8 a new order in Greater East Asia, and to voluntarily
9 contribute to world peace.

10 "2. That the China Affair aims, in accordance
11 with this national policy, to do away with all causes
12 which disturb the stability of Greater East Asia, and
13 to realize the results of co-prosperity of all peoples,
14 building upon peace on the basis of the New Order, and
15 that Japan must do all in her power to bring it to a
16 successful issue.

17 "3. That the United States and Britain have been
18 trying for a long time in the Far East to obstruct the
19 measures and actions of the Japanese Empire. Above all,
20 with the outbreak of the China Affair, they have openly
21 increased their measures of assistance of the Chungking
22 Regime and stealthily gave rein to their inordinate
23 ambition to dominate the Far East at the expense of China.
24 In addition, they have persuaded other powers to strength-
25 en the encirclement of Japan, and also adopted such

1 measures as the direct disruption of economic relations
2 with our Empire, and reinforced military preparations.
3 Thus they have threatened the security of our Empire
4 by daring to conduct virtual war operations against us.
5

6 "4. That our Empire, exhausting every possi-
7 ble means and putting up with the unbearable, has pro-
8 posed to the United States the peaceful settlement of
9 the situation and has already conducted negotiations
10 with the United States for the past 8 months. However,
11 there is a fundamental opposition between the assertions
12 of Japan and the United States in regard to the estab-
13 lishment of a lasting peace in the Far East. We can
14 hardly realize our national policy and can by no means
15 bring about the stability of Greater East Asia if we
16 once accede to the assertions of the United States.

17 "Under such circumstances, all the efforts
18 exerted by us during the past four years in order to
19 successfully prosecute the China Affair would come to
20 naught. This our Empire cannot tolerate from the stand-
21 point of her existence and prestige.

22 "5. That in the attitudes of the United States
23 and Britain we can read nothing but a hasty move to
24 satisfy their own inordinate ambitions, and see no
25 trace of a sincere desire on their part for world peace,
and to rescue mankind unfortunate disasters."

1 "Greater East Asia is now on the brink of a
2 crisis, and the existence of our Empire is in jeopardy.

3 "Such being the situation, we are compelled to
4 rise up to take up arms on the side of our allies to
5 smash all the obstacles in our way."
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1 We now refer to prosecution exhibit 878, a
2 Liaison Decision dated November 13 which was intro-
3 duced by Mr. English, and certain parts were read
4 by him. We ask permission of the Court to read the
5 exhibit because of its pertinency at this stage in
6 this same connection.
7

8 I now read from prosecution exhibit No. 878:

9 Heading:

10 "Measures to be taken towards Foreign Countries
11 relative to the Outline for the execution of National
12 Policies, which was decided at the Council in the
13 presence of the Emperor held on November 5.

14 "Liaison Conference Division

15 November 13, 1941.

16 "Policy Towards Germany and Italy.

17 "When the present negotiations with the United
18 States of America break down and a war with her becomes
19 unavoidable (presumed to be after November 25th), the
20 Japanese Government shall notify Germany (and Italy),
21 without delay, of our intention to start war against
22 the United States of America and Britain as soon as our
23 war preparations are ready, and shall open necessary
24 negotiations with them in connection with the follow-
25 ing matters, telling them that these are a part of our
war preparations: "

1 "1. Participation of Germany (and Italy)
2 in the war against the United States of America.

3 "2. No separate peace.

4 "Remarks:

5 "If we are requested by Germany to join in
6 the war against the Soviet Union, we shall reply that
7 we will not enter it for the time being. It cannot
8 be helped if, as a result of it, Germany's participa-
9 tion in the war against the United States of America
10 is delayed thereby.

11 "Policy towards Britain.

12 "Prompt measures shall be taken directly or
13 through the medium of the United States of America
14 to make Britain accept, and positively cooperate with
15 us in the matters included in the understandings
16 reached in the negotiations between Japan and the United
17 States of America.

18 "In order to conceal our intentions, no other
19 special diplomatic measures shall be taken.

20 "Policy towards the Dutch East Indies

21 "In order to help conceal and disguise our in-
22 tentions, we shall open as soon as possible a series
23 of diplomatic negotiations /with the Dutch East Indies/,
24 in the form of continuation of previous negotiations,
25 with the chief object of obtaining commodities needed

1 by our country.

2 "Policy towards the Soviet Union

3 "Diplomatic negotiations /with the Soviet
4 Union/ shall be continued in conformity with Item I
5 of the Outline of Diplomatic Negotiations with the
6 Soviet Union, which was decided at the Liaison Con-
7 ference of Imperial Headquarters and the Government
8 held on August 4th, 1941.

9 "Policy towards Thailand.

10 "1. Just before commencing the advance into
11 /Thailand/, the following demands shall be made and
12 their immediate compliance obtained:

13 "Our troops shall advance /into Thailand/, as
14 prearranged, even if our demands are rejected by
15 Thailand. However, efforts shall be made to localize
16 as much as possible military collision between Japan
17 and Thailand.

18 "(a) Right of passage of Japanese troops
19 through her territory and the grant of various facil-
20 ities incidental thereto.

21 "(b) Immediate enforcement of measures to
22 avoid possible collisions between the troops of Japan
23 and Thailand, owing to the passage of Japanese troops.

24 "(c) Conclusion of a joint defence agreement,
25 if Thailand desires it."

1 "Note: No special change in our attitude towards
2 Thailand shall be made before the commencement of the
3 negotiations. In particular, great care shall be
4 taken to conceal our plan of opening war.

5 "2. After the penetration of our troops, we
6 shall immediately open negotiations with the Government
7 of Thailand for concrete arrangements on the following
8 matters:

9 "(a) Matters concerning the passage and
10 stationing of Japanese troops.

11 "(b) Provision, construction and enlargement
12 of military establishments.

13 "(c) Provision of necessary traffic and com-
14 munication facilities as well as factory facilities.

15 "(d) Matters concerning billeting and sus-
16 tenance for the Japanese troops passing through or
17 stationed in Thailand.

18 "(e) Loans to defray necessary military ex-
19 penditure.

20 "Remarks: In the negotiations on Items 1 and
21 2, we shall definitely promise to respect her sover-
22 eignty and territorial integrity in conformity with the
23 Outline of Policies towards French Indo-China and
24 Thailand, which was decided at the Liaison Conference
25 of Imperial Headquarters and the Government held on

1 February 1st, 1941.

2 "Moreover, depending on the attitude of
3 Thailand, we shall try to turn the negotiations to
4 our advantage by suggesting that we will in future
5 consider the cession of a part of Burma or Malay to
6 Thailand.

7 "Policy towards China.

8 "The following measures shall be taken, bear-
9 ing in mind the necessity of preserving our all-round
10 fighting power to cope with a protracted world war by
11 avoiding military attrition in China as far as possible,
12 and also bearing in mind the probable decrease of our
13 military strength in the future:

14 "1. To drive out the military forces of the
15 United States of America and Britain in China.

16 "2. To place under our actual control enemy
17 concessions in China (including the Legation Quarter
18 in Peking) and important enemy interests (such as the
19 maritime customs and mines), but care shall be taken
20 to lighten as far as possible our burden in respect to
21 man-power and materials.

22 "Note: Though the International Settlements and the
23 Legation Quarter in Peking shall be brought under our
24 actual control after driving out the enemy's military
25 forces, these areas shall not be completely taken over

1 since they also include interests of countries friendly
2 to us.

3 "3. The abovementioned plans shall be carried
4 out only after the declaration of war against the United
5 States of America and Britain, lest our intentions be
6 revealed.

7 "4. Our right of belligerency against the
8 Chungking Regime shall not be obtained by a declara-
9 tion or other formalities, but the actual effect of
10 belligerency will be obtained by a declaration of
11 war against the United States of America and Britain.

12 "5. Among the enemy interests in China, even
13 those interests connected with the National Government
14 shall, if necessary, be brought under our control for
15 the time being, and adjustment made separately.

16 "6. The activities of influential Chinese in
17 the occupied area shall be encouraged and fostered as
18 far as possible, so as to win the people's mind to
19 Sino-Japanese cooperation and thereby gradually estab-
20 lish localized peace in the areas where this is possible.

21 "7. In our economic relations with China, we
22 shall lay special stress upon the acquisition of goods.
23 For this purpose reasonable adjustments shall be made
24 in the various existing restrictions."
25

1 THE PRESIDENT: Mr. Fihelly, I suppose you
2 have compared exhibit No. 1169 with the exhibit you
3 just read, 878. Is there something more than a
4 difference in wording? I think there is, but there
5 may not be.

6 MR. FIELLY: Mr. President and Members of
7 the Tribunal, as I stated to you this morning, there
8 are five or six of these documents that I have tried
9 to compare; and I found in each instance there were
10 some differences although there is the same general
11 background in many of them, and in some instances
12 the same paragraphs of the same words; but the whole
13 document has slight changes. But all of them come
14 from various departments of the Japanese Government,
15 particularly the Foreign Office, covering Liaison
16 Conferences and drafts made for same or decisions
17 arrived at at Liaison Conferences on or about
18 November 11 and November 13. Some are decisions;
19 some are drafts.

20 THE PRESIDENT: Leave it at that.

21 MR. FIELLY: There is only one more of
22 such documents, and it is a one-page document dated
23 November 12, 1941. Might I take that up, your Honor,
24 at this time?
25

THE PRESIDENT: Proceed to read it.

1 MR. FIHELLY: I now offer in evidence Inter-
2 national Prosecution document 1443, dated November
3 12, 1941, which contains certain basic principles
4 for rapid conclusion of war against the United States,
5 Great Britain and the Netherlands.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 1443 will receive exhibit No. 1176.
9

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1176 and received in evidence.)

13 MR. FIHELLY: I now read from prosecution
14 exhibit No. 1176:

15 Heading:

16 "GENERAL OUTLINE FOR HASTENING THE CONCLUSION OF
17 WAR AGAINST THE UNITED STATES, GREAT BRITAIN, NETHER-
LANDS, AND THE CHUNKING REGIME.

18 "(FOREIGN MINISTRY
19 Dated: Nov 12 1941 (Showa 16))

20 "1. A 'No-Separate-Peace Agreement' shall be
21 concluded with both Germany and Italy.

22 "2. Through mutual consent with Germany, we
23 shall mediate for peace between Germany and the Soviet
24 Union and restore our trans-continental communication
25 with Germany. On the other hand, while adjusting our
relation with the Soviet Union, we shall take measures

1 to promote her advancement into the direction of
2 India and Persia.

3 "3. We shall completely cut off the supply
4 route to the Chungking Regime, and bring all the con-
5 cessions in China under Japan's power. On the other
6 hand, we shall induce and utilize the Chinese mer-
7 chants residing in the South Seas to strengthen our
8 oppression upon the Chungking Regime, thereby con-
9 tributing to the settlement of the Incident.

10 "4. The independence of the Philippine
11 Islands shall be recognized and proclaimed to the
12 world at the earliest possible occasion after the
13 occupation of the Islands.

14 "5. Independence shall be allowed to
15 part of the Dutch East Indies while other necessary
16 areas shall be maintained by Japan.

17 "6. We shall give independence to Burma
18 and thus excite and promote India's independent
19 movement.

20 "7. We shall support Thailand's movement
21 against England for the recovery of lost territories.
22 (French Indo-China shall maintain her status quo).

23 "8. Regarding our administrative policy in
24 the occupied areas, we shall not oppress the lives
25 of the people; and shall adopt, as far as possible

1 a non-interference policy towards the internal af-
2 fairs, thereby shall earn the hearts of the people.

3 "9. When the time becomes suitable, we
4 shall declare our intentions to guarantee an equal
5 supply of tin and rubber in the South Seas to the
6 United States and Great Britain.

7 "(Remarks)

8 "(1) Judging from the fact proved in World
9 War I, the policy to utilize Americans of German
10 descent for the purpose to break up the public opin-
11 ion in the United States may at least be considered,
12 but it will prove impracticable and fruitless. (2)
13 We cannot expect much from activities in Central
14 and South America."
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1 I may say, Mr. President, that this is
2 typical of the situation I have explained to the
3 Tribunal. Part of this, in substance, has been
4 read before, and other paragraphs are different.

5 I wish to offer in evidence International
6 Prosecution document 2593 D (13), a wire of November
7 14 from NOMURA to Tokyo stating that the course
8 adopted by the Japanese Government would well result
9 in war with the United States.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 2593 D (13) will be given exhibit No. 1177.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1177 and received in evidence.)

16 MR. FIHELLY: I now read prosecution ex-
17 hibit No. 1177:

18 "From: Washington (Nomura)

19 "To: Tokyo

20 "November 14, 1941

21 "Purple

22 "#1090 (Part 1 of 3)^a (Departmental Secret)

23 (To be handled in Government Code)

24 "I am telling Your Excellency this for your
25 own information only."

1 "I believe that I will win out in the long
2 run in these negotiations, and I will fight to the
3 end. I will do my very best with infinite patience
4 and then leave the outcome up to God Almighty. How-
5 ever, I must tell you the following:

6 "1. As I told you in a number of messages,
7 the policy of the American Government in the Pacific
8 is to stop any further moves on our part either
9 southward or northward. With every economic weapon
10 at their command, they have attempted to achieve
11 this objective, and now they are contriving by every
12 possible means to prepare for actual warfare.

13 "2. In short, they are making every mili-
14 tary and every other kind of preparation to prevent
15 us from a thrust northward or a thrust southward;
16 they are conspiring most actively with the nations
17 concerned and rather than yield on this fundamental
18 political policy of theirs in which they believe so
19 firmly, they would not hesitate, I am sure, to fight
20 us. It is not their intention, I know, to repeat
21 such a thing as the Munich conference which took
22 place several years ago and which turned out to be
23 such a failure. Already I think the apex of German
24 victories has been passed. Soviet resistance persists,
25 and the possibility of a separate peace has receded,

1 and hereafter this trend will be more and more in
2 evidence.

3 "3. The United States is sealing over-friend-
4 lier relations with China; and in so far as possible
5 she is assisting CHIANG. For the sake of peace in
6 the Pacific, the United States would not favor us
7 at the sacrifice of China. Therefore, the China prob-
8 lem might become the stumbling block to the pacifi-
9 cation of the Pacific and as a result the possibility
10 of the United States and Japan ever making up might
11 vanish."

12 Part 2 - same heading.

13 "4. There is also the question of whether
14 the officials of the Japanese Government are tying
15 up very intimately with the Axis or not. We are re-
16 garded as having a very flexible policy, ready, never-
17 theless, in any case, to stab the United States right
18 in the back. Lately the newspapers are writing in
19 a manner to show how gradually we are tying up
20 closer and closer with the Axis.

21 "5. If we carry out a venture southward
22 for the sake of our existence and our lives, it
23 naturally follows that we will have to fight England
24 and the United States, and chances are also great
25 that the Soviet will participate. Furthermore, among

1 the neutral nations, those of Central America are al-
2 ready the puppets of the United States, and as for
3 those of South America, whether they like it or not,
4 they are dependent for their economic existence on
5 the United States and must maintain a neutrality par-
6 tial thereto.

7 "6. It is inevitable that this war will be
8 long, and this little victory or that little victory,
9 or this little defeat or that little defeat do not
10 amount to much, and it is not hard to see that who-
11 ever can hold out till the end will be the victor.

12 "7. It is true that the United States is
13 gradually getting in deeper and deeper in the Atlan-
14 tic, but this is merely a sort of convoy warfare,
15 and as things now stand she might at any moment trans-
16 fer her main strength to the Pacific."
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THE PRESIDENT: Mr. Logan.

MR. LOGAN: If the Tribunal please, with respect to those some few symbols at the bottom, may we have a direction for the prosecution wherever it appears on any of these documents which were intercepted and decoded that the prosecution be required to read the dates they were translated, which are the symbols the prosecution just referred to.

MR. FIHELLY: I will be glad to do that, Mr. President. I am sure no directive will be necessary. I will be glad to do it.

This particular document, 1177, shows that it was translated, according to the number at the bottom, "trans. 11/17/41 (2)."

We now offer in evidence International Prosecution document 2593-D(14), a wire of November 16th from TOGO to Washington.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document No. 2593-D(14) will receive exhibit No. 1178.

(Whereupon, the document above referred to was marked "prosecution's exhibit No. 1178 and received in evidence.)

MR. FIHELLY: I now read prosecution's exhibit No. 1178:

1 "TOP SECRET. From: Tokyo. To: Washing-
2 ton. November 16, 1941. Purple" -- c-a- or c-o- in
3 parentheses; I can't make out just what it is.

4 "(URGENT).

5 "#---

6 "For your Honor's own information.

7 "1. I have read your #1090^a, and you may be
8 sure that you have all my gratitude for the efforts
9 you have put forth, but the fate of our Empire hangs
10 by the slender thread of a few days, so please fight
11 harder than you ever did before.

12 "2. What you say in the last paragraph of
13 your message is, of course, so and I have given it
14 already the fullest consideration, but I have only
15 to refer you to the fundamental policy laid down in
16 my #725^b. Will you please try to realize what that
17 means. In your opinion we ought to wait and see
18 what turn the war takes and remain patient. However,
19 I am awfully sorry to say that the situation renders
20 this out of the question. I set the deadline for
21 the solution of these negotiations in my #736^c--
22 and this refers, and the evidence will show it, to
23 November 25th -- "and there will be no change.
24 Please try to understand that. You see how short
25 the time is; therefore, do not allow the United

1 States to sidetrack us and delay the negotiations
2 any further. Press them for a solution on the
3 basis of your proposals, and do your best to bring
4 about an immediate solution."

5 At the bottom appears:

6 "a - See JD-;6553 in which NOMURA gives his
7 views on the general situation. Part 3 not available.

8 "b - S. I. S. #24330 in which TOGO says that
9 conditions both within and without the Japanese
10 Empire will not permit any further delay in reaching
11 a settlement with the United States.

12 "c - S. I. S. #24373 in which TOGO says that
13 it is absolutely necessary that all arrangements for
14 the signing of this agreement be completed by the
15 25th of this month."

16 "SECRET" appears at the bottom, and under
17 that, "TOP SECRET." To the right, "Trans. 11/17/41 (S)."

18 On November 18th KURUSU sent a strong state-
19 ment as to the United States negotiations with Japan
20 and included some advice in it. This is International
21 Prosecution document 1532-D(5), which we now offer in
22 evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 1532-D(5) will receive exhibit No. 1179.

1 (Whereupon, the document above
2 referred to was marked prosecution's exhibit
3 No. 1179 and received in evidence.)

4 MR. FIELLY: I now read prosecution's
5 exhibit No. 1179:

6 "Despatched: 18 November 1941. P.M.

7 WASHINGTON

8 "Received: 19 November 1941. P.M.

9 Foreign Ministry

10 "Strictly Confidential -- Ambassador's Code

11 "From: Ambassador NOMURA

12 "To: Foreign Minister TOGO

13 "#1133

14 "KURUSU states:

15 "(1)-----According to the views held by
16 Ambassador NOMURA and myself, although the President
17 maintains calm attitude outwardly, we feel that the
18 President possesses keen desire to conclude the U.S.
19 -Japanese negotiation. Now, that just because the
20 other party does not take in whole-heartedly our pro-
21 posal there is no reason for an immediate conjecture
22 that it is a willingly-delayed policy. Moreover it
23 is most important at this time not to resort to ac-
24 tions that could not be amended afterwards.

25 "(2)-----Through the establishment of the

1 Revised Neutrality Law, etc., the U.S. interests
2 were all the more focused to the Atlantic, and there-
3 fore, although they are affirming preparations and
4 determination to fight Japan if compelled to, it
5 seems that they are seeking if possible to maintain
6 security in their back front by negotiating with our
7 country. In both of our interviews, with the Pres-
8 ident on the 17th and with HULL on the 18th, much em-
9 phasis was placed on the question of the Tri-Partite
10 treaty. The reason for their giving more force to
11 their assertion than is usual could be attributed
12 chiefly to the consideration given therein. That is,
13 as an assumption to U.S.-Japanese compromise, the
14 U.S. Government shall give the American public in
15 general, the impression of Japanese-German estrange-
16 ment. To do this, it is desired that utilization be
17 made regarding U.S.-Japanese joint declaration con-
18 cerning non-discrimination in trade, or to let Ja-
19 pan participate in the agreement regarding the same
20 question now being negotiated between the U.S. and
21 Britain, or to utilize messages manifesting peaceful
22 aims on the part of JAPAN as suggested by the Secre-
23 tary of State HULL in our interview of the 18th.

24
25 "(3)-----An acute change in the present
state of Japanese-German relations is, of course, an

1 impossibility, and in view of the aforementioned con-
2 ditions, I believe it is most important for our coun-
3 try to give the United States sufficient security pos-
4 sible so that they could all the more concentrate
5 deeply to the Atlantic, thereby enabling us to occupy
6 favourable positions in the international situation
7 that is to arrive after the war, not mentioning our
8 full scale execution of the present Sino-Japanese
9 hostilities.

10 (Part 2) In regard to the question of whether the
11 U.S. and Britain will, or will not turn the point of
12 their swords to us after the present war and start
13 suppressing us, I stated this at the Conference on
14 the 17th pointing out the bitter experience our coun-
15 try underwent during after the last World War (I)
16 and bluntly explained the suspicion embraced by a
17 group of our people toward the Anglo-Americans. To
18 this, the President unhesitantly replied that the new
19 agreement also covers such points. (Cover it all).
20

21 "(4)-----In view of the present state of
22 affairs in our country's internal situation, I be-
23 lieve there are various difficulties to be met before
24 being able to attain some measures along the lines de-
25 sired by the United States. For the time being, as
a link to fill the lapse in time, it is most desirous

1 that a time limit be set in regard to American-
2 Japanese negotiation and to pave a way through this
3 confronting situation, I think that it is necessary
4 to ask for an assurance to import a set quantity of
5 petroleum and also the rescinding of freezing orders.
6 In my interview of the 18th, I, together with Ambassa-
7 dor NOMURA, suggested a return to the condition prior
8 to 24 July. As an equivalent to this, I think that
9 the U.S. might not consent with only our B proposal
10 stipulating the non-advancement of our armed forces
11 outside French Indo-China, and our testimony given
12 vague in condition regarding evacuation of troops
13 from French Indo-China, as evidenced by our past ne-
14 gotiation. I suggest that at this time, you will show
15 in advance, some degree of sincerity such as to com-
16 mence evacuation of troops from Southern French Indo-
17 China.
18

19 "Now, as there is the question of your in-
20 structed time limit, I would like, if possible, to
21 effect immediate disposal of the matter while the
22 President is still in Washington, which I am urgently
23 advising."
24
25

1 We next offer in evidence a cable of
2 November 19th from TOGO, Foreign Minister, to
3 NOMURA, which is International Prosecution document
4 No. 1532-D(6), which is self-explanatory.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 1532-D(6) will receive exhibit No. 1180.

8 (Whereupon, the document above
9 referred to was marked prosecution's exhibit
10 No. 1180 and received in evidence.)

11 MR. FIELLY: I now read prosecution's
12 exhibit No. 1180:

13 "To: Ambassador NOMURA in America.

14 "From: Foreign Minister TOGO.

15 "Despatch No. 43905.

16 "Despatched: 20 November 1941 - 0030.

17 "Drafted: 19 November 1941.

18 "Telegram No. 800 (Ambassador Code) Very
19 Urgent.

20 "Re my Telegram No. 799.

21 "Re paragraph 1 of my telegram No. 780,
22 Southeast Asia and South Pacific includes Dutch
23 Indies and Thailand, but not China.

24 "Re item 2 of paragraph 3, it is desirable
25 that the required quantity be decided upon by

1 agreement of both governments before the signatures
2 are affixed to this present agreement.

3 "Re paragraph 4, please bear in mind that
4 it means the cessation of aid to Chiang by the United
5 States.

6 "Re paragraph 5. Article 2 (my #801) is an
7 important concession we venture to make for the sake
8 of speeding the conclusion of the agreement.

9 "Re paragraph 6. We could not agree to
10 the principle of non-discrimination in trade being
11 applied only to China, as I have stated in my #784.

12 "Re paragraph 7, latter part of item 2.
13 As an explanation of our attitude as expressed in
14 'Japan would decide entirely independently' in case
15 the U. S. should enter the European War, you may
16 point out that the Empire can decide independently
17 as to whether or not there had been an attack,
18 without being bound to the interpretations of the
19 other countries involved in the Tripartite Treaty.
20 You may make it clear that there are no secret
21 agreements in the Tripartite Treaty. (However, you
22 will please withhold your explanation of this item
23 until you see prospects of this agreement material-
24 izing)."

25 We now offer in evidence an entry from the

1 KIDO Diary of November 19, 1941, International Prosecution document 1632-W(84), showing the imminence of
2 war with the United States on that date.

3
4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 1632-W(84) will receive exhibit No. 1181.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1181 and received in evidence.)

10 MR. FIELLY: I now read prosecution's
11 exhibit No. 1181, Extract, KIDO Diary, November 19,
12 1941:

13 "I talked with the Emperor from 10:25 a. m.
14 to 10:50 a. m. I made a statement to the following
15 effect:

16 "The prospects of our negotiations with
17 Washington were incalculable, but if the Emperor was
18 resolved on war with America by the end of November,
19 the following situations might arise.

20 "1. The remainder of the parley would not
21 advance beyond its preliminary stage.

22 "2. The acceptance of our demands.

23 "a. Partial acceptance of our demands.

24 "b. Acceptance of half of them.

25 "c. Acceptance of the majority of them."

1 "2. The successful conclusion of our nego-
2 tiations with the U. S. A., but consent would be re-
3 quired on the part of England and the Netherlands.

4 "It would not be a good policy to plunge
5 into a war merely by reason of the fact that the
6 month of November had expired, and if we did so, the
7 unification of public opinion would be very difficult.
8 Therefore, when the Premier had to decide his final
9 attitude, he should be ordered to convene a con-
10 ference of senior statesmen in the Imperial presence."
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1 MR. FIHELLY: On November 20th, 1941,
2 NOMURA and KURUSU, by instructions of the Foreign
3 Ministry, presented to the Secretary of State what
4 turned out to be Japan's last proposal for a settle-
5 ment which was a revised form of the proposal "B"
6 agreed to in the Imperial Conference of November 5th.
7 This particular presentation will be dealt with by
8 Mr. Ballantine in his evidence.

9 Meanwhile the original Anti-Comintern
10 Pact of 1936 was about to expire and International
11 Prosecution Document 1072-B, dated November 21, 1941,
12 is now offered in evidence; and consists of excerpts
13 from the records of the Investigation Committee meeting
14 of the Privy Council showing the negotiations for its
15 renewal.
16

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 1072-B will receive exhibit No. 1182.

20 (Whereupon, the document above referred
21 to was marked prosecution's exhibit No. 1182
22 and received in evidence.)

23 MR. FIHELLY: I now read prosecution's exhibit
24 No. 1182:

25 "The Excerpts from 'Records of the Investi-
gation Committee Meeting of Privy Council in re:"

1 Prolongation of Anti-Comintern Pact.'

2 "PP 1-7 inclusive; PP 11, 14, 15

3 "1. Investigation Committee Meeting, about
4 the conclusion of protocol on the prolongation of
5 Anti-Comintern Pact among Japan, Germany, Italy,
6 Hungary, Manchukuo, and Spain, and about the inter-
7 change of secret documents between Japan and Germany
8 concerning the abrogation of the secret attached
9 protocol of above pact.

10 "Held on November 21st (Friday), 1941, in
11 the Privy Council Office.

12 "Attendants: "President HARA
13 "Vice President SUZUKI
14 "Chairman of the Committee
15 ISHII, Councillor
16 "Members of the Committee:
17 "ARIMA, Councillor
18 "ISHIZUKA, Councillor
19 "MINAMI, Councillor
20 "NARA, Councillor
21 "FUTAKAMI, Councillor
22 "OBATA, Councillor
23 "TAKEKOSHI, Councillor
24 "IZAWA, Councillor
25

1 "Ministers of State Affairs:

2 "TOJO, Prime Minister, Minister
3 of Home Affairs and War Min-
4 ister

5 "IWAMURA, Minister of Justice

6 "TOGO, Minister of Foreign
7 Affairs and concurrently of
8 Overseas Affairs

9 "Explainers:

10 "MORIYAMA, Directory-General
11 of the Legislative Bureau

12 "SATO, Councillor of the
13 Legislative Bureau

14 "MIYAUCHI, Councillor of the
15 Legislative Bureau

16 "MATSUMOTO, Director of the
17 Bureau of Treaties in the
18 Department of Foreign Affairs

19 "SAKAMOTO, Director of the
20 Bureau of European and
21 Asiatic Affairs in the De-
22 partment of Foreign Affairs

23 "NISHIMURA, Chief of the Second
24 Section of the Bureau of
25 Treaties in the Department

of Foreign Affairs

1 "NEMICHI, Chief of the Third
2 Section of the Bureau of
3 East Asiatic Affairs in the
4 Department of Foreign Affairs

5 "NARITA, Chief of the First
6 Section of the Bureau of
7 European and Asiatic Affairs
8 in the Department of Foreign
9 Affairs

10 "YOZANO, Chief of the Second
11 Section of the Bureau of
12 European and Asiatic Affairs
13 in the Department of Foreign
14 Affairs

15 "IMAMATSU, Director of National
16 Police Bureau in the Depart-
17 ment of Home Affairs

18 "NAGANO, Chief of the Public
19 Order Section of National
20 Police Bureau in the Department
21 of Home Affairs

22 "IKEDA, Director of the Criminal
23 Bureau in the Ministry of
24 Justice; IDE, Secretary of
25 the Department of Foreign
Affairs

1 "HORIE, Chief Secretary

2 "MOROHASHI, Secretary

3 "TAKATSUJI, Secretary

4 "(Meeting opens at 1.35 P.M.)

5 "Chairman of the Committee ISHII declares
6 the opening of the meeting.

7 "Foreign Minister TOGO explains the circum-
8 stances leading to the settlement of this proposal
9 and the outline of the contents.

10 "Committee Member ISHIZUKA asks a question
11 about the relations between Japan and Germany re-
12 garding the South Sea regions. Foreign Minister
13 TOGO replies that Germany has already recognized
14 Japan's construction of a New Order in East Asia,
15 and as for such a problem as how to deal with Dutch
16 East Indies, consultation shall be effected by degrees.
17 MATSUMOTO, the Director of the Bureau of Treaties in
18 the Department of Foreign Affairs answers that concern-
19 ing the South Seas Mandated area, former Foreign
20 Minister MATSUOKA" -- a word blotted out -- "(and
21 German) Ambassador OTT had exchanged letters to make
22 the islands Japanese territory for a nominal compensa-
23 tion by Japan to Germany.

24 "Committee Member MINAMI asks many questions,
25 namely,"

1 "(1) He thinks that Germany's conclusion of the
2 Treaty of Territorial Inviolability with Soviet is an
3 infringement on the spirit of the preamble of the
4 Anti-Comintern Pact and, therefore, the Pact had
5 already lost its validity as far as Germany is con-
6 cerned. He asks the opinion of the authorities con-
7 cerned. Foreign Minister TOGO replies that though
8 there is clearly a close connection between the Third
9 International and the Soviet Government, still there
10 exists a slight difference between them, so, it is
11 not impossible to think of them separately, from
12 which viewpoint, Japan has concluded the neutrality
13 treaty with Soviet.

14 "(2) MINAMI asks about the change of circumstances
15 which made the Secret Protocol between Japan and
16 Germany unnecessary. Thinking of the possibility
17 of reconciliation between Germany and Soviet, he
18 doubts if it would be better to continue the Secret
19 Pact.

20 "8. Foreign Minister TOGO responds that the changes
21 in circumstances are (A) the outbreak of war between
22 Germany and Soviet and the conclusion of the Neutrality
23 Pact between Japan and Soviet, (B) Formation of alliance
24 between Japan and Germany. He adds in the case if
25 Germany would make peace with Soviet, Japan would

1 resort to different means, beforehand or at the same
2 time, to protect her interests.

3 "/P. 11 Line 4-10/ Committee Member FUTAKAMI
4 asks about Japan's present foreign relations. Foreign
5 Minister TOGO, after the explanation about the whole
6 circumstances of the Japanese-American negotiations,
7 states that America, after all, sticks to her tra-
8 ditional theory on international policy and assumes
9 an unrealistic attitude which makes it difficult to
10 come to terms; for all this, however, a compromise
11 is being attempted: As for the relation between
12 Japan and Soviet, it is going, at present, on the
13 foundation of the Neutrality Treaty.

14 "/P. 13, line 10/ Committee Member IZAWA asks
15 what are the concrete results of the Anti-Comintern
16 Pact during these five years since it was concluded.

17 "/P.14/ INAMATSU, the Director of the
18 National Police Bureau in the Department of Home
19 Affairs, answers that by mutual information and con-
20 nection, changes of the methods of communist' movements
21 or such were learned, and thus, not a few facilities
22 are given by it. Prime Minister TOJO states he will
23 utilize more and more the Anti-Comintern Pact to
24 control communism.

25 "President HARA says it is very doubtful that

1 the Anti-Comintern Pact has been used fully to realize
2 its object, and he hopes now that the Government is
3 going to prolong it, they ought to utilize it com-
4 pletely so as to destroy the Communists at the root.

5 "/15/ After this, Chairman ISHII asks the
6 Ministers and the Explainers to retire.

7 "(Ministers and Explainers go out)

8 "Then after the discussion among the com-
9 mittee members, it is decided unanimously to pass
10 it as it is with request that the Government will
11 make effort to make the Pact effective, positively
12 making the most of its provisions. The drawing of
13 the record of the investigation is committed all to
14 the chairman.

15 "Then Chairman of the Committee ISHII declares
16 the closing of the meeting.

17 "(Closed at 4.20 P.M.)"

18 THE PRESIDENT: Captain Brooks.

19 MR. BROOKS: I would like to call the attention
20 of the Tribunal that the MINAMI mentioned here as
21 Councillor is Hiroshi MINAMI and not the accused Jiro
22 MINAMI, as can be confirmed by reference to prosecution
23 exhibit No. 102 which gives the Privy Council.

24 THE PRESIDENT: That has been pointed out
25 already.

1 Mr. Levin.

2 MR. LEVIN: Mr. President, the accused
3 SUZUKI was at no time Vice-President of the Privy
4 Council, and the one named is not the accused.

5 THE PRESIDENT: We were aware of that also,
6 Mr. Levin.

7 MR. LEVIN: If attention to that reference
8 has been made, I shall not bother to call the attention
9 of the Tribunal to that fact.

10 MR. FIEHELLY: On November 22nd TOGO informed
11 NOMURA and KURUSU by telegram of an extension of
12 the negotiation deadline from November 25 to 29.
13 This is International Prosecution Document No. 2593-
14 D-16 which we now offer in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 2593-D-16 will receive exhibit No. 1183.

18 (Whereupon, the document above referred
19 to was marked prosecution's exhibit No. 1183 and
20 received in evidence.)

21 MR. FIEHELLY: I now read prosecution's exhibit
22 No. 1183:

23 Headed "TOP SECRET"

24 "From: Tokyo

25 "To: Washington

1 "November 22, 1941

2 "Purple CA (Urgent)

3 "#812

4 "To both you Ambassadors.

5 "It is awfully hard for us to consider

6 changing the date we set in my #736^a, as you know.

7 However, I know you are working hard. The Imperial
8 Government is maintaining its fixed policy and doing
9 its very best sparing no efforts to try to bring
10 about the solution we desire. We desire by all
11 means to prevent a breakdown ^b in Japanese-American
12 relations, but if within the next three or four days
13 you can finish your conversations with the Americans;
14 if the signing can be completed by the 29th;^c if
15 we can get an understanding with Great Britain and
16 the Netherlands through the exchange of notes and
17 so forth; and in short if everything can be finished,
18 despite difficulties unbelievably great, we (will?)
19 make arrangements to wait until that date. This time
20 we mean it, that the deadline absolutely cannot be
21 changed. After that things are automatically going to
22 happen. Please take this into your careful consider-
23 ation and work as hard as you have in the past. This
24 is for the information of you two Ambassadors alone.

25 "a - See S.I.S. #24373. Tokyo wires Washington

1 that because of the various circumstances it is
2 absolutely necessary that arrangements for the signing
3 of the agreement be completed by the 25th of this
4 month."

5 The trans. date: "Trans. 11/22/41 (S)

6 "TOP SECRET" at the bottom.

7 On November 23rd, NOMURA cabled TOGO an
8 account of an interview which he and KURUSU had with
9 the Secretary of State and Mr. Ballantine on that day
10 in which the recent acts of Japan were again commented
11 on. This is International Prosecution Document
12 No. 1532-D-7, which we now offer in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 1532-D-7 will receive exhibit No. 1184.

16 (Whereupon, the document above referred
17 to was marked prosecution's exhibit No. 1184 and
18 received in evidence.)

19 MR. FIHELLY: I now read prosecution's exhibit
20 No. 1184:

21 "From: Ambassador NOMURA

22 "To: Foreign Minister TOGO

23 "Despatched: AM 23 November 1941, WASHINGTON

24 "Received: PM 23 November 1941, Foreign
25 Ministry."

1 "Machine cipher #1159 (Most Secret: Ambassador
2 Code)

3 "On the 22nd, I, together with Ambassador
4 KURUSU, had a meeting with Secretary of State, HULL
5 (BALIANTINE attended). The resume was as follows:

6 "The Secretary conferred with the Ambassador
7 and Ministers of Britain, Australia and the Nether-
8 lands on the 22nd, (according to the press reports,
9 about two and a half hours) and he asked for their
10 opinions on the Japanese proposals. They all said
11 that if Japan has firm intention for carrying out a
12 peaceful policy, they would naturally welcome it and
13 they would be glad to cooperate in resuming normal
14 trade relations. However, they said, Japan is express-
15 ing her peaceful intention even to the extent of
16 dispatching a special envoy while on the other side,
17 the speech of the politician and the commentary of
18 the press of Japan seem to be running in a completely
19 opposite direction, and so, there are some greatly
20 incomprehensible points in Japan's real intentions.
21 Furthermore, they pointed out that the amount of
22 Japanese petroleum imports up to the execution of the
23 freezing order took a very sudden upward swing and
24 that it wasn't to be used solely for peaceful under-
25 takings but was being stored away by the Navy."

1 "Moreover, there was an opinion that it would be
2 best to lift the embargo in slow degrees. However,
3 he said, as it is expected that all the concerned
4 ambassadors and ministers will seek their home
5 government's instruction and will receive replies by
6 Monday, he will make a reply again one way or the
7 other at that time. (PART II) Then he expressed
8 much concern over the recent trend of public opinion
9 in Japan. He emphasized that the clarification of
10 peaceful intention by the Japanese Government would
11 be very important for making the American public
12 opinion accept compromise with Japan. (BALLANTINE
13 said that the conveyance abroad of sincerity of the
14 Japanese Government heads toward the Japanese them-
15 selves would be more effective than the propaganda for
16 foreign consumption sent through foreign press cor-
17 respondents and others.) He even went on to say that,
18 to speak the truth, was it not the duty of every
19 politician to strive for peace up to the very day
20 before war is unavoidable? He said that the president
21 and he made the policy of peace clear five times
22 and so it is desired that a response be made at
23 least once. Then we asked, leaving British,
24 Australian, and Dutch opinion aside for the time
25 being, what the intention of America herself was re-
garding our proposal."

1 " To this, recognizing that an item by item reply was
2 seemingly our demand, he showed a perplexed look
3 and avoided to answer. In short, he said, the desire
4 of AMERICA, BRITAIN, AUSTRALIA, etc., is to dis-
5 solve the pressing situation in the South Pacific
6 area and they are eagerly desiring that the forces
7 kept in check in the same area may be transferred
8 for action in other parts. (PART III) And he
9 said, from the viewpoint they, unfortunately, can-
10 not recognize that our proposal is sufficient. I
11 pointed out that our troop concentrations in the
12 northern part of FRENCH INDO-CHINA were aimed at
13 CHUNGKING's lifeline, therefore, they were for the
14 most part directed toward YUNNAN and were not in-
15 tended to menace the South Pacific area. Then
16 KURUSU said that the acceptance of our proposal would
17 naturally lead to the conditions desired not only by
18 AMERICA but by the other nations as well. To this,
19 he /HULL/ replied, what these countries desired lay
20 in the quick turn-about in the situation and with
21 regard to resumption of normal trade relations, a
22 gradual advance is desirable for the time being, but
23 when JAPAN's peaceful intention becomes clear, a
24 rapid change will be seen in a few days. He further
25 replied that with regard to stopping aid to CHIANG,

1 they cannot be a fair mediator if they make such
2 a promise to JAPAN, considering the case when
3 AMERICA acts as an intermediary. (PART IV) Further-
4 more, if they stop the aid with the opening of the
5 negotiations, even though they made such a promise,
6 its value will not be so high. In view of the
7 fact that in any event, the so-called aid to CHIANG
8 KAI-SHEK is not as great as it is propagandized, he
9 replied he cannot accept the insertion of the above
10 items considering the substance of Japanese pro-
11 posals which intends to improve the pressing situa-
12 tion by the solution of immediate problems and to
13 reach fundamental solution by going further on.

14 "Furthermore, he replied that the time was
15 not yet ripe for the president's mediation at present.
16 I believe that on Monday, AMERICA will submit some
17 sort of a counter proposal, but as I discerned that
18 she would seek out participation in some kind of a
19 proposal which aims to maintain peace on the Pacific
20 and promote trade, I hastened to suggest that it is
21 necessary to make the present problem on hand the
22 agreement between AMERICA and JAPAN, and take the
23 formality of making the other nations participate in
24 this, and KURUSU stated that if it was intended that
25 the above be a sort of a group organization and if it

1 was an arrangement ~~such~~ as to vote us down by
2 majority of voters, we would not accept such a
3 proposal. (End)"

4 THE PRESIDENT: We will recess for fifteen
5 minutes.

6 (Whereupon, at 1445, a recess was
7 taken until 1500, after which the proceedings
8 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Fihelly.

4 MR. FIEHELLY: On November 24 the Foreign Offi-
5 ce, Tokyo, sent to NOMURA an account of the discussion
6 which was had with Ambassador Grew relating to the
7 withdrawal of troops from French Indo-China and other
8 pertinent matters which is now offered in evidence.
9 This is International Prosecution document No. 1532 D (8).

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 1532 D (8) will receive exhibit No. 1185.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1185 and received in evidence.)

16 MR. FIEHELLY: I shall now read prosecution
17 exhibit 1185:

18 "Supervised by: Chief of the America Bureau YAMAMOTO

19 "Person in Charge: Chief of the First Sect. of the
20 America Bureau.

21 "Drafted on November 24, 1941

22 "Cable No. 44502

23 "Despatched: 8:10 P.M. November 24, 1941

24 "Sent to Ambassador NOMURA in the U.S.A.

25 "Sent by Foreign Minister TOGO

"Subject: Negotiations between Japan and the U.S.A."

1 "(Conference with Ambassador GREW).

2 "By Code: No. 822 (Ambassador's Code)

3 "Re: My former telegram 821 A

4 "I asked the American Ambassador in Tokyo
5 to call on me on the 23rd and explained to him ac-
6 cording to the purport of my former telegram mention-
7 ed above. I stated at that time that the removal
8 of the Japanese troops from the southern part of
9 French Indo-China to the northern part is of great
10 military significance, that our advance into the
11 northern part of French Indo-China was originally
12 undertaken in connection with the settlement of the
13 China Incident, and the details of how America and
14 Britain have frozen our capital upon our advance
15 into southern French Indo-China. Further I related
16 that it is now absolutely impossible to withdraw
17 the troops entirely; that it is not only the natural,
18 but also the only and best way for the settlement of
19 the Chinese problem that we demand that U. S. A.
20 not interfere with our efforts for peace, on the oc-
21 casion that the American President as a mediator in
22 connection with the Chinese problem has CHANG-Kai-
23 Shek propose peace to Japan and Japan enters upon
24 negotiation in acceptance of the proposal; that it
25 is also absolutely impossible, from the point of

1 Japanese national feeling to settle the negotiation
2 between Japan and U.S.A. before this point is clar-
3 fied, and that we cannot understand why the U.S.A.
4 does not agree to this point. I added that in our
5 new proposal I have made the utmost effort to sim-
6 plify the situation and to reduce the desired terms
7 of the Japanese side in order to cooperate with the
8 U.S.A. in her peace policy and we intend to advance
9 the Japanese policy more and more peacefully accord-
10 ing to the above purport after conclusion of those
11 negotiations. The Ambassador took his leave saying
12 that he would immediately cable the above to his
13 home government."
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1 We next offer in evidence International
2 Prosecution document 1532 D (9), a telegram from TOGO
3 to NOMURA, dated November 24, which again fixes the
4 negotiation deadline as November 29 Tokyo time by the
5 statement made therein.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 1532 D (9) will receive exhibit No. 1186.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1186 and received in evidence.)

12 MR. FIELLY: I now read from prosecution
13 exhibit 1186:

14 "Supervised by: Chief of the American
15 Bureau, YAMAMOTO.

16 "Person in charge: Chief of the First Secre-
17 tary of the America Bureau.

18 "Drafted on November 24, 1941.

19 "Cable No. 44503.

20 "Despatched 8:15 p.m. November 24, 1941.

21 "Sent to Ambassador NOMURA

22 "Sent from Foreign Minister TOGO

23 "By Code: No. 823 (Ambassador's code)

24 "To both Ambassadors

25 "The date of my former telegram No. 812 is

1 in Tokyo time.

2 "By Way of Precaution."

3 We next offer in evidence International
4 Prosecution document 15-J, a telegram from the Japan-
5 ese Ambassador at Hanoi, dated November 25, as tend-
6 ing to show that Japan was about to go to war with
7 the United States and Great Britain and to show the
8 extent and completeness of preparation.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 15-J will receive exhibit No. 1187.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 1187 and received in evidence.)

15 MR. FIELLY: I now read from prosecution
16 exhibit No. 1187:

17 "From: Hanoi.

18 "To : Tokyo.

19 "25 November 1941

20 "#118

21 "(Strictly secret)

22 "We are advised by the military that we
23 are to have a reply from the United States on the
24 25th. If this is true, no doubt the Cabinet will
25 make a decision between peace and war within the

1 next day or two. It goes without saying here, of
2 course, that if the U.S.-Japanese negotiations are
3 brought to a successful termination, the various
4 enterprises shall be launched in accordance with
5 the plans which have been laid down in advance.

6 "Should, however, the negotiations not
7 end in a success, since practically all preparations
8 for the campaign have been completed, our forces
9 shall be able to move within the day.

10 "Under these circumstances, however, there
11 shall have to be some alterations in the program we
12 have laid out for the various enterprises. We shall,
13 undoubtedly, have to establish organs and conduct
14 negotiations which will not conflict with the
15 campaign. The thing that we are most concerned
16 about is whether or not, in the event of war, the
17 status quo will be maintained as far as the French
18 Indo-China's government setup is concerned. I feel
19 that it is essential that we not only be advised
20 of this, but it must be done immediately as we
21 wish to make all prearrangements as far in advance
22 as possible.

23 "If you have any opinions as to the out-
24 come of the Japanese-U.S. negotiations, will you
25 please inform this office of them together with

1 whatever other pertinent information you may deem
2 wise to impart to us.

3 "Of course, I realize that secrecy is of
4 the utmost importance. According to press reports,
5 however, the United States conferred with the repre-
6 sentatives of Britain, Australia, the Netherlands,
7 and even of China, in Washington, and hence the
8 governments of these countries are now aware of
9 the matters being discussed in the Japanese-U.S.
10 negotiations. Moreover, by means of (courier?)
11 service, the military here are aware of not only
12 our stand in the negotiations but also of the
13 general atmosphere of the said negotiations."
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1 "We feel as if we, a Foreign Office organ,
2 alone have been left out of the picture. As you
3 pointed out in your circular message #2353" -- it says
4 at the bottom "Available, dated 19 November" -- "the
5 situation is becoming exceedingly critical. Please,
6 therefore, make arrangements to advise us on these
7 points by means of either cable or by special mes-
8 senger services."

9 Below: "(D) Navy Trans.

10 11-26-41 (S-TT)"

11 On the same day the Japanese Ambassador at
12 Bangkok reported on the Foreign Office in Inter-
13 national Prosecution document 2593 D (41) which we
14 now offer in evidence for the same purpose as the
15 last telegram was offered.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 2593 D (41) will receive exhibit No. 1188.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1188 and received in evidence.)

22 MR. FIELLY: I now read prosecution exhibit
23 No. 1188:

24 "From: Bangkok.

25 "To: Tokyo.

1 "25 November 1941

2 "(Purple)

3 "#849 (In 2 parts, complete)

4 "In the event of the Empire's taking deci-
5 sive action in a southward advance, it will of course
6 be necessary in the exercise of a belligerents rights
7 to make clear the relations of sovereign and subjects.
8 On the one hand it will be absolutely necessary to
9 bring Thai into our camp. My conversation with Pibul
10 as reported in my #834 was undertaken with this as
11 the underlying motive. If and when Japan at last
12 does make her proposals of joint defense, the follow-
13 ing three points should be made especially definite,
14 and Thai should be led to voluntarily take an atti-
15 tude of cooperation with us.

16 "(1) In the event of an attack upon Burma
17 and Malay, there would, of course, be a temporary in-
18 fringement upon the territorial sovereignty of Thai-
19 land, but after our objectives have been attained,
20 restoration would immediately be made, and the in-
21 dependence of Thai would be respected even more than
22 at present while Thai is maintaining neutrality.

23 "(2) In case she cooperates in a positive
24 way with Japan, full assurances will be given that
25 Thailand's swamp lands will be reclaimed in the areas

concerned.

"(3) In the event of Thai's assets in England being frozen great fluctuation would result in the value of Thai's money, but Japan would make available sufficient funds to create a foundation for a yen 'block' money system, and also give every consideration to providing petroleum and other essential commodities.

"To summarize: By cooperating with Japan the racial longings of Thailand will be realized, and with indivisible relations with Japan her existence as an independent nation will be strengthened -- (three lines missed) --- stop with as simple a --- " as possible to the effect that 'will cooperate in every way for the realization of the objectives of East Asia coprosperity and stability,' while the particulars as necessity may require will be put into a secret treaty ---

"Furthermore, in the light of Japan's basic national policy which has for its purpose the establishment of an East Asia coprosperity sphere, and the emancipation of the Asiatic peoples, it goes without saying that Thailand's sovereignty must not be impaired beyond the minimum limits of necessity, and that her standing as an independent nation must be

1 maintained to the very last; while strictest military
2 discipline must be used to reassure the Thai populace
3 and strict control should by all means be exercised
4 over any attempts at profiteering.

5 "Have sent --- by the hand of Consul-General
6 ASADA, who has returned to Japan, but to make doubly
7 sure I am also cabling it to you.

8
9 "Available, Purple dated 21 November."

10 "Secret" at the bottom of the page, "(F)
11 Navy Trans. 11-27-41 (S-TT)."

1 On November 26 NOMURA and KURUSU sent to
2 Tokyo by cable their last suggestion with an admis-
3 sion of failure as to the negotiations but suggested
4 or stated that Japan might gain a little time. This
5 is International Prosecution document 2593 D (19)
6 which we now offer in evidence.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No., 2593 D (19) will receive exhibit No. 1189.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1189 and received in evidence.)

13 MR. FIELLY: I now read prosecution exhibit
14 No. 1189:

15 "TOP SECRET .

16 "From: Washington

17 "To: Tokyo

18 "November 26, 1941

19 "Purple, (Extremely urgent)

20 "#1180. (Part 1 of 2)

21 "From NOMURA and KURUSU.

22 "As we have wired you several times, there is
23 hardly any possibility of having them consider our 'B'
24 proposal in toto. On the other hand, if we let the
25 situation remain tense as it is now, sorry as we are to

1 say so, the negotiations will inevitably be ruptured,
2 if indeed they may not already be called so. Our fail-
3 ure and humiliation are complete. We might suggest one
4 thing for saving the situation. Although we have grave
5 misgivings, we might propose, first, that President
6 ROOSEVELT wire you that for the sake of posterity he
7 hopes that Japan and the United States will cooperate
8 for the maintenance of peace in the Pacific (just as
9 soon as you wire us what you think of this, we will
10 negotiate for this sort of an arrangement with all we
11 have in us), and that you in return reply with a cord-
12 ial message, thereby not only clearing the atmosphere,
13 but also gaining a little time. Considering the possi-
14 bility that England and the United States are scheming
15 to bring the Netherlands Indies under their protection
16 through military occupation, in order to forestall this,
17 I think we should propose the establishment of neutral
18 nations, including French Indo-China, Netherlands India
19 and Thai. (As you know, last September President
20 ROOSEVELT proposed the neutrality of French Indo-China
21 and Thai.)

22 "ARMY 6891 25435 Secret Trans. 11-28-41 (1)

23 "TOP SECRET"

24 I now read part 2 of that same exhibit:

25 "We suppose that the rupture of the present

1 negotiation; does not necessarily mean war between
2 Japan and the United States, but after we break off,
3 as we said, the military occupation of Netherlands
4 India is to be expected of England and the United States.
5 Then we would attack them and a clash with them would
6 be inevitable. Now, the question is whether or not
7 Germany would feel duty bound by the third article of
8 the treaty to help us. We doubt if she would. Again,
9 you must remember that the Sino-Japanese incident would
10 have to wait until the end of this world war before it
11 could possibly be settled.

12 "In this telegram we are expressing the last
13 personal opinions we will have to express, so will
14 Your Excellency please be good enough at least to show
15 it to the Minister of the Navy, if only to him; then
16 we hope that you will wire us back instantly.

17 "Trans. 11-28-41 (1)

18 "TOP SECRET"
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1 On the same day, the Secretary of State
2 handed to NOMURA the last counter-proposal of the
3 United States, and this matter will be dealt with by
4 Mr. Ballantine in his testimony.

5 As showing that the Pearl Harbor attacking
6 task force left for the actual attack on Pearl Har-
7 bor on November 26, I now read from prosecution ex-
8 hibit 809, page 72, the brief but pertinent data in
9 that connection, questions 30 to 32, inclusive:

10 "30. When did the Task Force begin to form?

11 "The various forces were to leave the
12 several areas where they might be on or about 15
13 November, to proceed as single vessels or in small
14 formations and to rendezvous in TANKAPPU-WAN by
15 22 November.

16 "31. Where was the rendezvous?

17 " TANKAPPU-WAN.

18 "32. When did the Task Force get underway on
19 its mission?

20 "It sailed from TANKAPPU-WAN at 0600 hours
21 20 November."

22 In this same connection I refer to prosecu-
23 tion exhibit 1128A which is an abstract from the
24 SHIMADA interrogation of January 23, page 33, and
25 read another part of the exhibit referring to the

1 task force which rendezvoused at Tankan Bay.

2 THE PRESIDENT: Dr. KIYOSE.

3 DR. KIYOSE: I should like to refer your
4 Honor's attention to exhibit 1189 -- at the end of
5 1189. In the English text at the end of page 2 there
6 are the words "Minister of the Navy." I should like
7 to call your attention to the fact that the Minister
8 of the Navy at that time was Admiral YONAI. As a
9 matter of fact, the telegram refers at the end to,
10 in the Japanese word, "NAIDAIJIN," meaning: The
11 Lord Keeper of the Privy Seal. And, perhaps because
12 of an omission of some syllable, it was considered
13 as "YONAI," and, therefore, the words "Minister of
14 the Navy" entered into the text. I should like to
15 point out that the reference was made to the Lord
16 Keeper of the Privy Seal.

17 THE PRESIDENT: What you say is noted, Dr.
18 KIYOSE.

19 MR. FIHELLY: Referring to exhibit 1128A,
20 I now read from page 78 from that exhibit. I am
21 wrong on my page number. I read the part of that ex-
22 hibit which appears on page 1 and takes in the rest
23 of the page, starting with the question, "Now, on
24 November 10, 1941" (Reading)
25

1 task force which rendezvoused at Tankan Bay.

2 THE PRESIDENT: Dr. KIYOSE.

3 DR. KIYOSE: I should like to refer your
4 Honor's attention to exhibit 1189 -- at the end of
5 1189. In the English text at the end of page 2 there
6 are the words "Minister of the Navy." I should like
7 to call your attention to the fact that the Minister
8 of the Navy at that time was Admiral YONAI. As a
9 matter of fact, the telegram refers at the end to,
10 in the Japanese word, "NAIDAIJIN," meaning: The
11 Lord Keeper of the Privy Seal. And, perhaps because
12 of an omission of some syllable, it was considered
13 as "YONAI," and, therefore, the words "Minister of
14 the Navy" entered into the text. I should like to
15 point out that the reference was made to the Lord
16 Keeper of the Privy Seal.

17 THE PRESIDENT: What you say is noted, Dr.
18 KIYOSE.

19 MR. FIHELLY: Referring to exhibit 1128A,
20 I now read from page 78 from that exhibit. I am
21 wrong on my page number. I read the part of that ex-
22 hibit which appears on page 1 and takes in the rest
23 of the page, starting with the question, "Now, on
24 November 10, 1941" (Reading)
25

1 "Q. Now, on November 10, 1941, didn't Vice-
2 Admiral NAGUMO issue aboard his flagship, aircraft
3 'Akagi' striking force operation order No. 1, which
4 ordered all forces to complete battle operations by
5 November 20, 1941?

6 "A. I think that is so.

7 "Q. Tankan (Hitokappu) Bay of Etorofu Island in
8 the Kuriles was designated in the striking force
9 order No. 1 as the rendezvous for the task force,
10 wasn't it?

11 "A. Yes.

12 "Q. Between November 21 and November 27, 1941,
13 the task force rendezvoused at Tankan Bay, didn't it?

14 "A. Yes.

15 "Q. The task force left Tankan Bay on November
16 27, 1941, and sailed East until December 4th or 5th,
17 didn't it?

18 "A. Yes.

19 "Q. Then it altered its course to the Southeast
20 toward Hawaii?

21 "A. Yes."

22 THE PRESIDENT: Are you going to read from
23 page 2?
24

25 MR. FIHELLY: I might as well read the rest
of it although it fits in at a later date.

1 THE PRESIDENT: Whatever course you set out,
2 do not change because of any suggestion from me. Do
3 as you intended.

4 MR. FIHELLY: I had made no definite decision
5 on it, your Honor. I will read the two or three
6 questions and answers although it does get a little
7 bit out of the present time period that we are in,
8 as of a particular date.

9 Page 2 of the exhibit:

10 "Q. Upon reaching a point approximately 250
11 miles from Hawaii the first wave of planes was
12 launched, wasn't it?

13 "A. Yes.

14 "Q. A fleet of from 20 to 30 Japanese sub-
15 marines from the Sixth Fleet was patrolling outside
16 Pearl Harbor before the strike, wasn't it?

17 "A. Yes.

18 "Q. And a fleet of some 5 or 6 midget submar-
19 ines attempted to gain entrance to the Harbor, didn't
20 it?

21 "A. Yes"

22 That the task force sailed for Pearl Harbor
23 on this date, we now refer to page 78 in exhibit 809
24 and read the very order itself providing therefor.
25 It appears at the top of the page.

1 "Combined Fleet Order

2 "The Task Force will move out of HITOKAPPU-
3 WAN on 26 November and proceed without being detected
4 to the evening rendezvous point (Lat 40° N, Long
5 170° W), set for 3 December, where refueling and
6 supply will be carried out as quickly as possible.

7 NOTE: In accordance with this order the Task Force
8 moved out of HITOKAPPU-WAN at 0600 hours on 26
9 November.
10

11 "Combined Fleet Dispatch Operation

12 Order _____ (essentials).

13 "Time of origin: Approximately 1730 hours,
14 2 Dec. 41.

15 "Text: X-Day will be 8 December.

16 "Task Force Ultrasecret Operation Order 1
17 (essentials).

18 "Flagship AKAGI, HITOKAPPU-WAN
19 23 Nov. 41.

20 "NAGUMO, Chuichi

21 "Task Force Commander."
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THE PRESIDENT: Mr. Brannon

MR. BRANNON: We wish to remind the Tribunal that this is not the order that was issued but the recollection of several Japanese Naval Officers.

THE PRESIDENT: This must be the order. It would require photographic memories to recollect that, but it may be as Mr. Brannon says. You can clear that up, Mr. Fihelly. Perhaps Admiral Richardson will clear it up when he comes, Mr. Fihelly, so proceed.

MR. FIELLY: This Appendix B, your Honor, is a reply to what is known as the Colonel Munson Questionnaire, some thirty or more questions that was sent to the Japanese Naval Department to answer the specific question.

MR. BRANNON: I refer to paragraph 29, on page 75, the last sentence. "The information is based on recollection and inquiries of the following three men."

THE PRESIDENT: You could go further, Mr. Brannon. "All copies of the above items were burned at the time of surrender and as a result no documents are available. The essential points in the order relative to carrying out the operations are hereby submitted." You appear to be right, Mr.

1 Brennon.

2 MR. BRANNON: I wanted to state that I may
3 be altogether in error. The prosecution appears
4 to be ready to introduce another operational order
5 that was recovered from a sunken Japanese ship, which
6 may render much of this report obsolete; therefore,
7 I have been questioning why the prosecution was
8 placing so much reliance on this memory report, when
9 they appear to have a document that actually was a
10 copy of an official Japanese order of the same
11 nature.

12 THE PRESIDENT: If by "the same nature" you
13 mean to the same effect, it will be in the interest
14 of the prosecution to use it and will be against you.

15 MR. BRANNON: I mean pertaining to the same
16 subject matter.

17 MR. FIDELLY: IPS document 17, to which the
18 counsel refers only refers to General Secret Op-
19 erational Order No. 1 and 2. That document will
20 be introduced during the testimony of Admiral
21 Richardson. I did in general state to the Court
22 this morning that it would show, not in contra-
23 distinction or in opposition to what is here stated,
24 but in direct coincidental date with date on
25 November 5th that the Operational Order No. 1 was

1 issued. Before going on to another document I did
2 just want to make this additional observation, Mr.
3 President. It was stated this morning that in a
4 certain part of a quote from this exhibit it was
5 the recollection of a Japanese yeoman of the
6 Japanese Navy. These Munson Questionnaire questions
7 are the recollection of the best men in the
8 Japanese Navy, who could answer these questions.
9 I only mean to state, not that Mr. Logan's state-
10 ment was incorrect, but that this particular answer
11 or order is in a different category because it is
12 recollection of high officers of the Japanese fleet,
13 just as to another question Mr. NAGANO gave his
14 recollection, saying that on November 3rd he de-
15 cided to attack Pearl Harbor.

16 THE PRESIDENT: Mr. Brannon.

17 MR. BRANNON: Mr. President, we do not
18 choose to make an argument of this at this time.
19 We only wish to call the Court's attention to the
20 fact that what he read was based upon the memory
21 of three Japanese Naval Officers, whether it be a
22 Munson Report, or what it is, and they are all
23 alive and in Tokyo today.

24 MR. FIDELLY: So if there is any error in
25 this answer I am sure the defense will clear it up.

1 MR. FIHELLY: I now read from International
2 Prosecution document No. 1632W (85), the KIDO Diary
3 entry of November 26, to show events which were taking
4 place in Japan at that particular time.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 1632W (85) will receive exhibit No. 1190.

8 (Whereupon, the document above referred
9 to was marked prosecution's exhibit No. 1190 and
10 received in evidence.)

11 MR. FIHELLY: I now read from prosecution's
12 exhibit 1190; Extract from KIDO Diary, 26 November
13 1941:

14 "I met HARA, President of the Privy Council,
15 to consult with him about a Senior Statesmen's confer-
16 ence. I saw the Emperor from 11:15 a.m. to 11:45 a.m.
17 He said that as for the future outlook of the Japanese-
18 American talks it was feared to our regret that the
19 worst might come to the worst. Under these circum-
20 stances, our final decisions as to the war should be
21 carried into practice after another Senior Statesmen's
22 conference which should be convened to have broader
23 and more complete discussions on the matter. The
24 Emperor also said that he wanted to tell his idea to
25 Premier TOJO."

1 "I answered as follows: 'As we are going to
2 decide on the final course of a grave action which can
3 never be undone, Your Majesty had better freely put any
4 questions and express your opinions, so that we may not
5 rue the day when we were tempted to do such a thing.'"

6 For the same general purpose, that is, to
7 show the manner in which the negotiations were carried
8 on at this time, we now offer in evidence a telephone
9 conversation between -- of November 27, 1941, between
10 KURUSU and YAMAMOTO of the Foreign Office, this being
11 International Prosecution document 15-G.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 15-G will receive exhibit No. 1191.

15 (Whereupon, the document above referred
16 to was marked prosecution's exhibit No. 1191 and
17 received in evidence.)

18 MR. FIHELLY: I now read Exhibit No. 1191
19 which is one of the intercepted diplomatic messages:

20 "Pages 188 to 191, inclusive.

21 "From: Washington

22 "To: Tokyo. (Secret)

23 "27 November 1941. (2327-2334 EST)

24 (Telephone Code)--(See JD-1: 6841) (S.I.S.

25 #25344) "

1 "Trans-Pacific Telephone.

2 "(Conversation between Ambassador KURUSU and
3 Japanese Foreign Office American Division Chief,
4 YAMAMOTO)

5 "Literal translation" given on the one side
6 and "Decode of Voice Code" given on the other.

7 "(After connection was completed:)

8 "KURUSU: 'Hello, hello. This is KURUSU.'

9 "YAMAMOTO: 'This is YAMAMOTO.'

10 "KURUSU: 'Yes, Hello, hello.'

11 "(Unable to get YAMAMOTO for about six or
12 eight seconds, he said aside to himself, or to someone
13 near him:)

14 "KURUSU: 'Oh, I see, they're make a record
15 of this, huh?'

16 "(It is believed he meant that the six second
17 interruption was made so that a record could be started
18 in Tokyo. Interceptor's machine had been started several
19 minutes earlier.)

20 "KURUSU: 'Hello. Sorry to trouble you so
21 often.'

22 "YAMAMOTO: 'How did the matrimonial question
23 get along today?'"

24 Decode of Voice Code: "'How did the negotia-
25 tions go today?'

1 "KURUSU: 'Oh, haven't you got our telegram '
2 yet? It was sent -- let me see -- at about six -- no,
3 seven o'clock. Seven o'clock. About three hours ago.'

4 "'There wasn't much that was different from
5 what Miss UMEKO said yesterday.'"

6 Decode: "'There wasn't much that was different
7 from Hull's talks of yesterday.'

8 YAMAMOTO: 'Oh, there wasn't much difference?'

9 "KURUSU: 'No, there wasn't. As before, that
10 southward matter -- that south, SOUTH -- southward
11 matter, is having considerable effect. You know, south-
12 ward matter.'

13 "YAMAMOTO: (Obviously trying to indicate the
14 serious effect that Japanese concentrations, etc. in
15 French Indo-China were having on the conversations in
16 Washington. He tries to do this without getting away
17 from the 'Miss UMEKO childbirth, marriage' character
18 of the voice code.)

19 "YAMAMOTO: 'Oh, the south matter? It's
20 effective?'

21 "KURUSU: 'Yes, and at one time, the matri-
22 monial question seemed as if it would be settled.'"

23 Decode: "'Yes, and at one time it looked as
24 though we could reach an agreement.'

25 "KURUSU: 'But -- well, of course, there are

1 other matters involved too, but -- that was it -- that
2 was the monkey wrench. Details are included in the
3 telegram which should arrive very shortly. It is not
4 very long and you'll be able to read it quickly.'

5 "YAMAMOTO: 'Oh, you've dispatched it?'

6 "KURUSU: 'Oh, yes, quite a while ago. At
7 about 7 o'clock.'

8 "(Pause.)

9 "KURUSU: 'How do things look there? Does
10 it seem as if a child might be born?'"

11 Decode: "'Does it seem as if a crisis is at
12 hand?'

13 "YAMAMOTO: (In a very definite tone): 'Yes,
14 the birth of the child seems imminent.' "

15 Decode: "'Yes, a crisis does appear imminent.'

16 "KURUSU: (In a somewhat surprised tone, re-
17 peating YAMAMOTO's statement): 'It does seem as if the
18 birth is going to take place?'"

19 Decode: "'A crisis does appear imminent?'

20 "(Pause)

21 " KURUSU: 'In which direction..!(broken off)
22 (stopped himself very abruptly at this slip which went
23 outside the character of the voice code. After a
24 slight pause he quickly recovered, then to cover up
25 the slip, continued:)"

1 "KURUSU: 'Is it to be a boy or a girl?'

2 "YAMAMOTO: (Hesitated, then laughing at his
3 hesitation took up KURUSU's cue to re-establish the
4 voice code character of the talk. The 'Boy, girl,
5 healthy' byplay has no other significance):

6 " YAMAMOTO: 'It seems as if it will be a
7 strong healthy boy.'

8 "KURUSU: 'Oh, it's to be a strong healthy
9 boy?'

10 "(Rather long pause.)

11 "YAMAMOTO: 'Yes. Did you make any statement
12 (to the newspapers) regarding your talk with Miss
13 KIMIKO today?'"

14 Decode: "'Did you make any statement regarding
15 your talks with the President today?'

16 "KURUSU: 'No, nothing. Nothing except the
17 mere fact that we met.'

18 "YAMAMOTO: 'Regarding the matter contained
19 in the telegram of the other day, although no definite
20 decision has been made yet, please be advised that
21 effecting it will be difficult.'

22 " KURUSU: 'Oh, it is difficult, huh?'

23 "YAMAMOTO: 'Yes, it is.'

24 "KURUSU: 'Well, I guess there's nothing more
25 that can be done then.'"

1 "YAMAMOTO: 'Well, yes.'

2 "(Pause.)

3 "YAMAMOTO: 'Then, today...'

4 "KURUSU: 'Today?'

5 "YAMAMOTO: 'The matrimonial question, that is,
6 the matter pertaining to arranging a marriage -- don't
7 break them off.'"

8 Decode: "'Regarding negotiations don't break
9 them off.'

10 "KURUSU: 'Not break them? You mean talks?'

11 "(Helplessly:)

12 "KURUSU: 'Oh, my.'

13 "(Pause, and then with a resigned laugh:)

14 "KURUSU: 'Well, I'll do what I can.'

15 "(Continuing after a pause:)

16 "KURUSU: 'Please read carefully what miss
17 KIMIKO had to say as contained in today's telegram.'"

18 Decode: "'Please read carefully what the
19 President had to say as contained in today's telegram.'

20 "YAMAMOTO: 'From what time to what time were
21 your talks today?'

22 "KURUSU: 'Oh, today's was from 2:30.'

23 "(Much repeating of the numeral 2)

24 "KURUSU: 'Oh, you mean the duration? Oh,
25 that was for about an hour.'"

1 "YAMAMOTO: 'Regarding the matrimonial question.'"

2 Decode: "'Regarding the negotiations.'

3 "'I shall send you another message. However,
4 please bear in mind that the matter of the other day
5 is a very difficult one.'

6 "KURUSU: 'But without anything, -- they want
7 to keep carrying on the matrimonial question. They do.
8 In the meantime we're faced with the excitement of
9 having a child born. On top of that TOKUGAWA is
10 really champing at the bit, isn't he? TOKUGAWA is,
11 isn't he?'"

12 Decode: "'But without anything, they want to
13 keep on negotiating. In the meantime, we have a crisis
14 on hand and the army is champing at the bit. You know
15 the army.'

16 "(Laughter and pause).

17 "KURUSU: 'That's why I doubt if anything
18 can be done.'

19 "YAMAMOTO: 'I don't think it's as bad as
20 that.'

21 "YAMAMOTO: 'Well, -- we can't sell a mountain.'"

22 Decode: "'Well, -- we can't yield.'

23 "KURUSU: 'Oh, sure, I know that. That isn't
24 even a debatable question any more.'

25 "YAMAMOTO: 'Well, then, although we can't
yield, we'll give you some kind of a reply to that

1 telegram.'

2 "KURUSU: 'In any event, Miss KIMIKO is
3 leaving town tomorrow, and will remain in the country
4 until Wednesday.'"

5 Decode: "'In any event, the President is
6 leaving town tomorrow, and will remain in the country
7 until Wednesday.'

8 "YAMAMOTO: 'Will you please continue to do
9 your best.'

10 "KURUSU: 'Oh, yes. I'll do my best. And
11 NOMURA's doing everything too.'

12 "YAMAMOTO: 'Oh, all right. In today's talks,
13 there wasn't anything of special interest then?'

14 "KURUSU: 'No, nothing of particular interest,
15 except that it is quite clear now that that southward --
16 ah -- the south, the south matter is having considerable
17 effect.'

18 "YAMAMOTO: 'I see. Well, then, good bye.'

19 "KURUSU: 'Good bye.'"

20 "(M) Navy Trans. 11-28-41."

21 At the bottom are certain symbols and "Outline
22 of interview on 27 November with Roosevelt-Hull-KURUSU-
23 NOMURA.

24 "Probably #1189 (S.I.S. #25441-42). (JD-1:
25 6896). Washington reports the two proposals presented
by the U.S. on 26 November."

1 MR. FIEHELLY: To show further war-like pre-
2 parations at this time, we next offer in evidence
3 International Prosecution document 2539-A, indica-
4 ting that the Cabinet in a meeting of November 28
5 recognized and approved a new press system that put
6 the Japanese press on a war-time basis.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 2539-A will receive exhibit No. 1192.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1192 and received in evidence.)

13 MR. FIEHELLY: I now read exhibit 1192: Heading:

14 "EXTRACT FROM 'THE TOKYO NICHU NICHU'
15 November 29, 1941. CABINET RECOGNIZES PRESS NEW
16 SYSTEM.

17 "JOURNALISTIC PLAN PROPOSED BY NEWSPAPER
18 LEADERS GIVEN APPROVAL.

19 "A plan for the establishment of a new system
20 in press circles, formulated by the board of
21 directors of the Press Federation, was recognized
22 in the regular Cabinet meeting on November 28.

23 "For the early execution of the scheme, an
24 Imperial ordinance concerning the creation of the
25 new system will be issued by virtue of Articles

1 16 and 18 of the National Mobilization Law.

2 "The new system is aimed at placing newspapers
3 on the wartime basis for the fulfilment of their
4 national mission as an organ of the state and the
5 people in the face of the present strained
6 situation."

7 THE PRESIDENT: We will adjourn now until
8 half past nine tomorrow morning.

9 (Whereupon, at 1600, an adjournment
10 was taken until Thursday, 14 November 1946, at
11 0930.)

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